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July 1999

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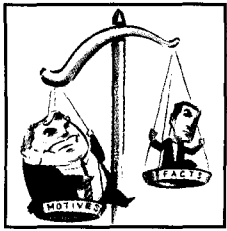
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Chronicles

A MAGAZINE OF AMERICAN CULTURE



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POLEMICS & EXCHANGES

On Modernizing Monarchy

Like Michael Stenton ("Letter From England: Thoroughly Modern Monarchy" March), I am amazed by these "modern" Englishmen who are so rapidly dismantling the finest constitution in the world, without the traces of which the United States and Canada would be far more lost than they already are.

The only objection which can fairly be raised against the monarchy in Great Britain is that William of Orange was unable to secure Prince James Edward Stuart as his successor. I note, however, that Dr. Stenton admires the ring leader in the murder of Prince James Edward's grandfather in 1649. He says that Oliver Cromwell nobly refused the Crown. Winston Churchill's insight, in the second volume of his *History of the English-Speaking Peoples*, is more astute: "a group of lawyers and gentry decided to offer Cromwell the Crown. 'The title of Protector,' said one of them, 'is not limited by any rule or law; the title of King is.'" The Crown is the foundation of the constitution. Take it away, and you get the likes of Cromwell, who destroyed the fundamental law in England, committed genocide in Ireland, and left Scotland an orphaned province. If the British allow the monarchy to go, they will be as stupid and corrupt as those Americans who rejoiced over Bill Clinton's acquittal on impeachment for perjury.

I am comforted by Dr. Stenton's observation that Tony Blair is not very bright. Like Cromwell, Blair is dangerous enough without brains. The British have their Diana, and we Americans our Monica, both *femmes fatales*. Because Diana was more cunning and beautiful, she posed a more ominous threat to civilization.

A friend of mine in the House of Lords told me that the "reforms" now under way in the upper chamber will make the institution "more democratic." He made this remark innocently, just as Neville Chamberlain smiled innocently on his return from Munich. Because it is impossible to govern any country without the support of the people at large, democracy is indispensable. But democracy is a necessary evil in constant need of constitutional checks to keep it from becoming

a monster. Whether or not it makes sense to superficial observers, the House of Lords works, and so it should not be reformed. The only reason it does not work better is that it has already been overly reformed.

I fault Queen Liz for having given up too much. I hope Charlie has a try at it before she gives away the farm. A king is a human being with human imperfections, but he is also the symbolic embodiment of all that is good and right in public life. I am convinced that Charlie is a sensitive and good man, which probably explains why he is not universally popular, and why he may become, by the grace of God—aye, a bonnie King!

—John Remington Graham
St. Agapit, Quebec

On True Refreshment

While so many publications are content to serve up the same flabby perspectives, it is always refreshing to read *Chronicles*. Each issue just gets better and better. As luck would have it, the May issue showed up the very same day that I had gone to the public library to catch up on what the parrot press had to say about the burgeoning general crisis. The choices offered up by our great pluralistic and progressive press boiled down to a tour of the post-civilized New World in which one's options are either riding in the trunk with Procrustes or up front with Madeleine Albright. Suffice it to say, it is practically impossible to distinguish fake right publications like *National Review* from Clintonista organs like the "Skewed Republic." Like listening to an entire CD of Schoenberg, these publications have the unique quality of agitating as they simultaneously sedate. By contrast, opening up the May *Chronicles* had the same invigorating quality as a swim in the 46-degree waters of the Colorado River.

—Tom Sheeley
Flagstaff, AZ

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APROD

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BORIS YELTSIN has been at it again, sacking Russian Premier Yevgeni Primakov and his entire cabinet, pushing the country to the edge of the political abyss. The phlegmatic Primakov, who resembles Jabba the Hut of *Star Wars* fame, had opened an investigation into the machinations of the “oligarchs,” the gangsters-cum-businessmen who have dominated Russia in the Yeltsin era. The trail led back to the Kremlin and Yeltsin’s “family,” which includes his daughter and unofficial chief of staff, Tatyana Dyachenko, various courtiers, and the “gray cardinal” of the Kremlin—“family” advisor Boris Abramovich Berezovsky (known as “BAB”). Russian investigators believe that IMF money was funneled by a Swiss-based firm, MABATEX, into offshore bank accounts controlled by the “family.” Primakov had to go.

It seems that Primakov never quite understood what Yeltsin wanted him to do: protect the interests of the “family,” rig the December parliamentary elections in order to produce a Duma less inclined to put “the guardian of democratic reforms” on trial after his term ends in 2000, and arrange a suitable successor. Meanwhile, an order for BAB’s arrest has been withdrawn, a move obviously orchestrated by Yeltsin. The Duma is up in arms and planning retaliation. In early May, the word on the street is that Yeltsin is preparing to dissolve the Duma and declare a state of emergency should the opposition-dominated lower house vote to impeach the “Father of Russian Democracy” on May 15. What will the cornered president do?

Yeltsin has moved quickly to take advantage of the Yugoslav conflict, occasionally blasting NATO and threatening intervention to reassure Russian patriots, but appointing the hapless ex-premier, close friend of the “family,” and protégé of BAB, Viktor Chernomyrdin, as “special presidential envoy” to the West. Yeltsin has decided that Chernomyrdin can smooth things over with NATO, force Belgrade to back down, and team up with the ex-premier’s long-time pal, the equally wooden Al Gore, to preserve “world peace.” A well-connected acquaintance tells me that Yeltsin is hoping to use the Yugoslav crisis to position Chernomyrdin for come-what-may, either a “force solution” in the standoff

with the Duma—in which Chernomyrdin would play the role of emergency premier—or possibly to succeed Boris I in 2000. A Russian-brokered deal that serves the West’s interests will help Gore, who is running for the White House in 2000 and is too interested in his own dirty laundry to worry about the Kremlin’s. If Belgrade’s capitulation could be secured, the “non-political” IMF might decide that Russia needs another bridge loan after all, and Clinton might ignore any extra-constitutional moves that Yeltsin might make. After all, we must think of “world peace.”

The ides of May approach, and Yeltsin has dodged yet another bullet. The first democratically elected president of Russia has swung a deal with certain Duma members—to the tune of \$30,000 a man—to take a vacation on May 15. Others—including the Larry Flynt of Russian politics, hustler-cum-“ultranationalist” Vladimir Zhirinovskiy—may get themselves appointed to occupy the still warm seats of Primakov’s cabinet. Nearly 70 of the Duma’s 450 members are absent on May 15. Yeltsin survives impeachment by 15 votes. The shaken Duma has been bested by the master once again. Game, set, and match. Should the deputies get uppity again, well, the crisis in Yugoslavia, the expansion of NATO, and a recent spate of terrorist acts traced back to the rebel Chechen republic (where BAB has maintained ties to the most radical elements) might justify a state of emergency and the cancellation of the next elections. (Never mind that Yeltsin has been warned that such actions could precipitate a civil war.) So Yeltsin’s interests have been well served by the Kosovo crisis—as have Clinton’s and Gore’s.

Some members of the “vast right-wing conspiracy” in both Russia and America have accused Wild Bill and Czar Boris of “wagging the dog,” taking advantage of foreign-policy crises to divert attention from corruption at home. Who could attack the Commander in Chief at a time like this? Who but a knee-jerk Clinton/Yeltsin-hater would be interested in Lippo Bank/MABATEX when we are facing World War III? Who but an obsessed right-winger would care about Clinton’s/Yeltsin’s old friendships (Johnny Chung/BAB) when “world peace” is

at stake? What kind of person would attack the President’s family (Hillary/Tatyana) because of “policy differences”? Few, however, ask the obvious question: What kind of maniac would risk a world war or the implosion of his own country to cover his political rear end?

— Denis Petrov

ERIC HARRIS, the dominant half of the trenchcoated psychopathic duo who rampaged through Columbine High School in Littleton, Colorado, was the demented product of two enduring legacies of the Cold War: the consolidated super-school and the rootless military family.

This is guaranteed *not* to be the conclusion of the sham National Dialogue that always follows such tragedies.

At first, the Harris-Klebold carnage was tallied a hate crime. “Minorities Targeted” read the headline in the local chain paper on the day after, though soon it was revealed that the dead included only one black student, and he had been an athlete and thus one of the hated jocks.

Before the last bomb had detonated in Columbine, the mass media zombies—who swallow the genuine grief of real persons and recycle it as mawkish TV-movie tripe—were drawing their invariably prohibitionist lessons from Littleton. Ban guns, censor the moronic Marilyn Manson, regulate video games and the Internet and black fingernail polish.

But gun shows and schlock rock did not kill those people. Conceding that evil might grow in any garden, let us consider the sorry life of Eric Harris as the product of the mobile and anonymous society bequeathed us by the Greatest Generation.

Harris was an army brat, spawn of a bizarre subculture (revered by many “conservatives”) that prizes rootlessness and places transience next to godliness. He grew up on a series of socialist reservations. The family’s final move was from Plattsburgh, New York, to Littleton, 2,000 miles distant. There he became just another brick in the wall of the inhumanly large Columbine High, whose 1,950 students were connected by a web so attenuated that dozens might fall through the cracks without the principal even knowing their names.

Impersonal education factories like Columbine were a domestic innovation of the Cold War. The consolidation of small and rural schools into centralized warehouses was given its greatest push by Harvard President James B. Conant, who, subsidized by the Carnegie Corporation, produced a series of post-war reports arguing for the "elimination of the small high school." According to Conant, defenders of human-scale education were "still living in imagination in a world which knew neither nuclear weapons nor Soviet imperialism. They believe they can live and prosper in an isolated, insulated United States." Conant the barbarian triumphed: The number of school districts plummeted from 83,718 in 1950 to 17,995 in 1970.

Brutish kids will always make fun of nerds, retards, fatsos, fags, geeks, those who know polysyllabic words, etc. But in a small school, parents or other adults have a fighting chance to enforce at least a minimal code of respect. And children in small, settled communities grow up with each other; by high school, they almost certainly will have been to each other's homes and birthday parties and been on each other's ball clubs. Each student is essential to the small rural or neighborhood school; sports teams and the school play and the handful of clubs (4-H rather than Model U.N.) depend upon widespread participation. (The sharper kids even catch on that forming their own punk-rock band is far healthier than buying Disney dreck or the lifeless pornography of Marilyn Manson and other rich poseurs.) In a stable—which is to say blessedly immobile—community, kids know one another, and while to know Eric and Dylan may not have been to love them, the ties of human sympathy and lifelong friendship with at least some of their classmates might have braked their homicidal slide.

Once they step out of the bathos, Clinton and the Congress and the corporate media will use the corpses of Littleton as battering rams against what remains of the Bill of Rights—in particular any liberties that might be enjoyed by rural and working-class men, for example, those guaranteed by the Second Amendment. The dead of Littleton should be mourned by their survivors and respectfully left alone by the rest of us. But if we must erect a legislative monument to them, we ought to dismantle the consolidated school and the standing army, which in combination can produce men

without names or souls.

—Bill Kauffman

"IT CAN HAPPEN ANYWHERE," says Vice President Al Gore in his homiletic and halting manner. He is sitting on a panel across from Larry King and next to a psychologist and the Reverend Robert Schuller. Their topic is the murders in Littleton, Colorado. Candidate Gore is clearly taking advantage of this opportunity to promote a liberal agenda before a captive, national audience. But his is an audience with itching ears. Americans—in chorus with the cover of *Newsweek*—continue to ask, "Why?" The question may reveal more than the answer.

"Why did these two boys commit such cowardly acts of violence?" "Bullying is a national crisis," the psychologist responds. Taunting and bullying by peers provided the motive for the murders. We have motive, and according to Mr. Gore, we have opportunity. Easy access to guns is not only a condition of, but a catalyst for, violence.

Guns and taunts created the problem; thus, we must eliminate weapons and acrimony. "We need love, love, love," says the Rev. Schuller. "But aren't men of the cloth guilty of adding to the shame felt by young boys such as these?" King asks, and—of course—the Reverend agrees. Still, there is cause for hope, according to Schuller, "since love and acceptance serve as foundations for Jews, Christians, and Moslems."

"We can do something about this," Gore says. His words reveal a frightening, almost Orwellian scenario. In 1984, the principal method of inspiring mind-numbing loyalty and obedience was to present the citizens of Oceania with a vision of reality that made annihilation seem imminent without the constant intervention of Big Brother. But unlike the proles of Oceania, Americans seem to relish the arrangement. Big Brothers Gore and Schuller strike a chord because they tell us "why"; they soothe something within us, making it easier for us to ignore the fact that we already know why and are unwilling to admit it.

The motivation for the Columbine killings was sin. We are born with an evil will that seeks to please itself rather than God or our fellow man. Our problem is not low self-esteem, but high self-esteem. Culture can either serve to restrain the evil within us or help it to increase. The

flourishing of evil depends largely upon the fertility of the ground into which its seeds are sown. Our lives can either be immersed in a sea of temptation or guarded by the bulwarks of family, neighborhood, city, and state.

Christians can confidently speak of the reality of original sin because, according to St. Paul, nature confirms in our hearts the existence of God and our need to obey him. Of course, a cacophony of concupiscence helps to drown out the witness of the heavens which "declare the glory of God." While a culture that upholds a sense of justice, honor, respect, and compassion sings in harmony with the music of the spheres, post-Christian cultures such as ours—which constantly encourage people to indulge their every desire—can only mask the voice of God crying out against the source of the barbarism exhibited in the Littleton slayings.

"Certain new theologians," wrote G.K. Chesterton, "dispute original sin, which is the only part of Christian theology which can really be proved." "First-person killing" in video games, glorified Hollywood violence—these may serve to enhance the evil already present within human hearts. But when they are blamed for crimes committed by men, a greater evil is born—one that denies nature itself. When the Vice President and the Reverend Schuller look your children in the face and tell them that guns and video games caused this violence, they are lying. But they are lying to a receptive audience that does not want to hear that living in a culture of lust, violence, and abortion-on-demand has its consequences. Their expert opinions are the backdrop of white noise which helps us fall asleep, only to be awakened again by the sound of gunshots.

We cannot deny the truth and expect its consequence to disappear. We should not pretend (as did the Gnostics) that matter is evil. We are evil, and we must be restrained. If we do not want to live with the consequence of unrestrained, rampant evildoers, we must create a culture that reflects a belief in original sin. Until then, let us at least admit that we know the answer to America's question.

—Aaron D. Wolf

BILL CLINTON's favorite book is said to be *The Meditations* of the second-century A.D. Roman Emperor Marcus Aurelius, a plumpish volume of ethical jottings in crabbed Greek, disdained,

apparently, by most early American readers as too idiosyncratic and obscure (one notable exception was the first Virginian, Captain John Smith). But it does not appear that the 42nd (all at sixes and sevens?) President of the New Romans (as Canadian arch-nationalist Mel Hurtig once entitled them) has absorbed very much of the Stoic emperor's message, though he claims to re-read it every year. Perhaps he only knows it through a special Arkansas pop-up edition. Maybe Chelsea could help him with the harder words and pass on some of her Stanford-polished brainpower. For Dad does seem to have missed most of Marcus's message, above all where sex is concerned. Take this typical admonition: "He that does wrong from lust, being mastered by pleasure, is incontinent and unmanly in his wrong-doing." When Marcus had the chance to tamper with a palace girl (read: intern) named Benedicta, he refrained, knowing that "if a man has sensibility, he will gaze with chaste eyes upon the alluring loveliness of the young."

Now that Bill is more concerned with Milosevic than Monica, he might, on his next perusal, consider what Marcus has to say about waging war. Unlike Clinton, this Roman leader fought in person for his country throughout the last decade of his life. He died in camp in central Europe, possibly poisoned by his son Commodus (Chelsea, take note), the alleged product of his wife's extramarital passion for a gladiator. (Does any Beltway gossip connect Hillary with a taste for NFL linemen?) You may be victorious, Marcus tells those who would wage war, but "consider how many great captains are dead after butchering thousands," while "men may pride themselves on capturing boars or bears or barbarians, yet are these men not brigands if you examine their motive?" Not that warmongering is the only thing which "obliterates holy principles"; so does its opposite, cowardice (read: draft-dodging), as well as "stage-apery" (read: public performances on saxophone): Bill moves easily from sex to sax, both of which involve blowing, if not inhaling.

One could easily rack up a long list of other Aurelian prescriptions unnoticed by his American epigone: the violence done to one's soul by lying ("How rotten at the core is he who proclaims aloud: I shall be straight with you. There is no need to say this. The fact should declare itself. It ought to be written on the face, a

ring in the voice should show it at once, just as the loved one can read at a glance every secret in the lover's looks"); the need to be deferential to the Senate and address it always in non-dissembling words; the pointlessness of tailoring one's image to posterity, "which no one has seen or shall see."

Perhaps Bill should consult another classic, the biographer Suetonius, one of the authors whom Thomas Jefferson recommended to ancient history students at the University of Virginia in 1825. Setting aside the question of incest, but with *that* dress in mind, Clinton should turn without ado to chapter 28 of the *Life of Nero*: "Whenever the emperor rode in a litter with his mother, he had sexual relations with her, which were betrayed by the stains on their clothing."

—Barry Baldwin

"VISUAL POLITICS" seems an apt description of our current regime. Since most Americans acquire their news by television, those making news or seeking to communicate it must do so visually. Since television has not really formulated its own vocabulary, however, its visuals owe a debt to the movies. It is a commonplace to speak of the Clinton presidency as influenced by Hollywood, and the President actually imports friends who are Hollywood producers to stage major events and press conferences, such as that wonderful cinematic moment where he sternly shook his finger at us and emphatically explained that he "did not have sexual relations with that woman, Ms. Lewinsky." *Wag the Dog* tried to satirize similar developments, only to be overtaken quickly by the real world, as the President unleashed the dogs of war at a crucial moment in his impeachment proceedings.

Since the early days of the Clinton administration, however, the proper visual analog has not really been Hollywood, but Italian cinema of the 1960's. From the moment the President held up traffic at LAX to get his hair cut by a stylist to the stars, he transcended his own milieu and transformed American political life into a Fellini film. The President probably comes closest to playing Guido, the Marcello Mastroianni role in Fellini's masterpiece, 8, a wonderfully absurdist study of a movie director who can't figure out a plot for his film. The film consists of grotesquerie piled upon grotesquerie, as the increasingly feckless protagonist dis-

appoints his mistress, his wife, his colleagues, and his producer. The Clinton parallels hardly need developing.

Recently, it became clear that the President's supporting players have also adopted his trademark Fellini visuals. Only Fellini could match the joy of watching Slobodan Milosevic hold hands with Jesse Jackson, as the Reverend (ostensibly disowned by the White House) joined in prayer with the purported Butcher of the Balkans and then succeeded in freeing the American prisoners. The scene was straight from the finale of 8, where all the principals join hands and dance around the set, or from *Juliet of the Spirits*, where a similarly otherworldly mood is captured.

Even when no visuals are involved, national affairs have achieved the surrealism of Fellini, and occasionally have even gone beyond into practically pure Dada. Rene Magritte's famous painting of a pipe, with the caption "*ceci n'est pas un pipe*," is echoed by Monica's adventures with the President's cigar. Surely Marcel Duchamp's *Nude Descending a Staircase* or his display of a urinal has an affinity to the Starr Report, particularly its intriguing footnote 210 (which reports on oral-anal contact between the President and the Intern) or its footnote 81, which, in the circumspect words of London's *Guardian*, reports on "the President's habit of finishing himself off into a White House sink."

But it is Fellini's *oeuvre*, particularly 8, that seems best to capture Mr. Clinton's presidency. He is so clearly the hapless protagonist, never quite able to bring off what he desires, unable to tell where fantasy leaves off and reality begins, and ambivalent about (and yet still obsessively involved with) religion and morality.

Thus, as did Guido, the President flounders as he tries to come to grips with his own inadequacies. In Mr. Clinton's case, he struggles to come up with some kind of legacy apart from his sexual peccadilloes, his impeachment, and his recent citation for contempt by a federal judge (a first for a President). Only a European ironist seems capable of doing his latest effort justice: If not, Fellini, then perhaps it would take Molière to explore the ramifications of a Baby Boomer who successfully dodged the draft orchestrating a NATO attempt (without congressional approval and without U.N. Security Council authorization) to pulverize a sovereign nation back into the Middle Ages.

At this writing, the bombing campaign appears relentless. But perhaps Guido's fate may help predict what will happen to the President. The Reverend Jackson, before he left Serbia, was given a private communication from Mr. Milosevic, detailing the terms under which he would accept foreign peacekeeping troops in Kosovo. (These were also spelled out in an extensive interview which Milosevic gave to UPI.) Even more interesting, a delegation of U.S. congressmen, meeting with their counterparts from the Russian Duma and an advisor to President Milosevic, claims to have worked out "a framework to resolve the Kosovo crisis," which sounds like the one set out in the UPI interview. The "framework" most likely will be implemented through other diplomatic offices, probably those of "special presidential envoy" Viktor Chernomyrdin, perhaps with Mr. Clinton being brought in to sign final accords in the Rose Garden in another near-Hollywood extravaganza. As in a Fellini film, however, the surface glitter may be the surest sign of the emptiness beneath.

—Stephen B. Presser

CONCEALED HANDGUNS could have been carried by law-abiding, responsible citizens of Missouri under Proposition B, but on April 6, Missouri voters defeated the measure by a small margin (52 to 48 percent). To qualify for a concealed-carry permit, one would have had to be at least 21, have taken 12 hours of state-approved firearms training, and have undergone an extensive background check designed to weed out felons, drug addicts, those with a history of violent behavior, and the mentally ill. The negative vote is full of hard lessons for paleoconservatives and libertarians, and it tells us much about the state of contemporary society and the persistence of pre-industrial cultural patterns in modern America.

First of all, the vote dispels the notion that we will win as long as we can get our message out. Supporters of Proposition B outspent their opponents by five-to-one, flooding the airwaves with television and radio commercials for at least a month before the vote. (Of course, opponents got free advertising from anti-B editorials in the state's major newspapers, all of which are leftist and anti-gun.) Second, emotionalism counts more with the majority than does rationalism. While pro-B commercials stressed that women could

better protect themselves with a concealed weapon and that the crime rate has gone down in every state that has passed a concealed-carry gun law, opponents suggested that gun-toting Missourians would start shooting each other in traffic jams, at bars, and at professional sporting events. Third, corporate America is acting as the money chest for the hard left. The anti-B campaign was bankrolled largely by 32 corporations based in St. Louis and Kansas City. (The pro-B campaign was funded largely by the National Rifle Association.) Fourth, the cultural gap between urban/suburban and rural America continues to widen. Citizens in the St. Louis and Kansas City metropolitan areas voted against B by about 65 to 35 percent, while the rest of the state voted for B, 61 to 39 percent. Of the state's 114 counties, 103 went for B, while only 11 defeated it. Of those 11 counties, only three were predominantly rural. Anyone who drove through the Missouri countryside before the election can testify that virtually every other farmhouse had a pro-B sign. Fifth, the vote offers more evidence that Midwestern suburban America is not yet ready for a Middle American Revolution.

Affluent and mostly white St. Louis County voted against B by an astounding 70 to 30 percent. When one considers that the working class is generally pro-gun, it seems clear which groups formed the bulk of the no vote: single women, soccer moms, and the henpecked, sports-watching, male employees of corporate America. When people vote down a referendum designed to restore a constitutional right, they are saying that they are comfortable with their status as subjects and that they trust the state to provide for their security: not exactly the stuff of which revolutions are made.

Finally, the vote reveals that Missouri continues to be divided between a Southern and a Northern culture. Outside of its two large metropolitan areas (St. Louis and Kansas City), Missouri remains an upper South state. While no one missed the importance of the urban/rural division in voting, only by taking the North/South division into account can we explain why three predominantly *non-rural* Missouri counties voted for concealed carry. Greene County, in the southwestern corner of the state, includes the small city of Springfield (population 143,000). Jefferson County, a populous county of 200,000, is part of the St. Louis metropolitan area. Jackson County, in

the southeastern corner of the state, is home to Cape Girardeau (35,000), a university town. The one thing that all three counties have in common is that their population is still predominantly Southern.

Furthermore, consider two similar counties in the northern part of the state. Nodaway, located in the northwestern corner of Missouri, has a county seat of 10,000 people that is the home of Northwest Missouri State University. Its voters rejected B. Adair, in the northeastern corner of the state, has a county seat of 17,000 that is the home of Truman State University. Its voters approved B. The explanation seems to lie in historical and cultural differences. The northeastern corner of Missouri was a hotbed of Southern resistance to Republican military occupation during the War of Northern Aggression. To this day, it remains more Southern in population and culture than the northwestern corner.

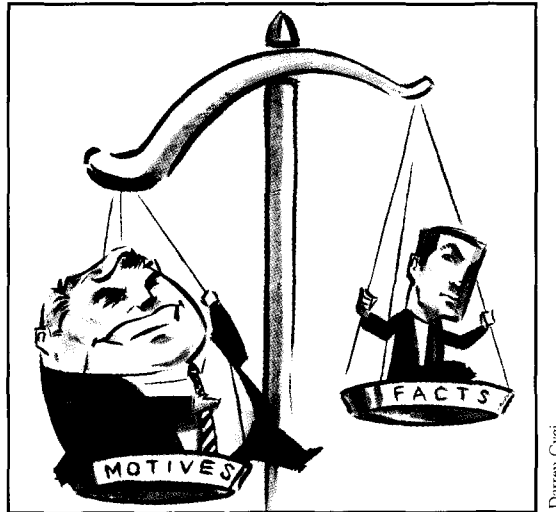
—H. Arthur Scott Trask

OBITER DICTA: Richard Moore, a poet from Belmont, Massachusetts, returns to our pages this month. Mr. Moore is the author of nine books of poetry, as well as translations of Plautus and Euripides, a book of literary essays, and a novel, *The Investigator*. Mr. Moore gives frequent readings in the Boston area.

Timothy Murphy, our second poet this month, hails from Fargo, North Dakota. *The Deed of Gift*, a collection of Mr. Murphy's verse with a critical preface by Ingersoll Prize recipient Richard Wilbur, was published last year by Story Line Press.

A new artist graces our pages this month. **Darren Gygi** has been illustrating magazines for over two years. A life-long student of caricature, Mr. Gygi resides in Utah with his wife, Megan. More samples of his work can be found in his online portfolio, www.theispot.com/artist/gygi.

Gregory L. Newbold, who illustrated our June issue, has provided the artwork for "Christianity and Slavery in the Old South" (p. 31). Mr. Newbold's clients have included Sony/Tri Star Pictures, Hewlett Packard, Cadillac, and the Houston Grand Opera. He has illustrated two children's books, and his paintings appear on Mountain Sun Natural Juices. His work has been recognized by the Society of Illustrators and the American Institute of Graphic Arts, among others.



Land Without Justice

by Thomas Fleming

Every month, some corner of the United States becomes the scene of a brutal and bizarre murder: in Jasper, Texas, where rednecks dragged a man to death behind their truck; in Las Vegas, where a high-school student assaulted and killed a little girl as his friend and fellow student looked on without lifting a finger to help; in Littleton, Colorado, where two high-school students shot and killed a teacher and 12 classmates.

For all the hysteria over Kosovo, where 2,000 Serbs and Albanians had killed each other in the two years before the NATO assault, the real land without justice would seem to be the United States of America, where ethnic cleansing, mass murder, and a cynical contempt for human life are an everyday reality in cities like Miami and Los Angeles; and unlike Serbs and Albanians, who retain a rudimentary sense of right and wrong (if only at the level of the blood feud), Americans do not even share a common conception of justice.

In the wake of every publicized murder or massacre, the inevitable futile controversy breaks out: Is violence caused by poverty or a lack of counselors, as liberals believe, or by Marilyn Manson and video games, as conservatives like to pretend? Whatever the cause of the disease, each side has the cure—more social programs, according to the Democrats; more prisons, according to the Republicans—and in the end each side gets what it wants: more taxes spent both on Democratic social workers and on Republican cops and construction companies.

If the question of justice ever does come up, it is subject to the same distortions, from Democrats bleating about insanity, poverty, and a history of abuse as the motivations for crime, and from Republicans braying over the social costs of drugs and street crime. The facts of the crime, the deeds that have been done, get buried under the pile of position papers and special reports, and justice is reduced to “whatever is in the interest of the stronger,” the cynical definition given by the apologists for naked force whom Socrates attempted to refute.

Once upon a time, most ordinary people believed that justice was a straightforward matter of “rendering every man his due.” The object of a trial, they thought, was to discover who owed what to whom, and when a crime had been committed, it was the business of judge and jury to ascertain the guilt or innocence of the accused and, if the verdict was guilty, to mete out the proper penalty.

In these enlightened times, however, retribution is regarded as barbaric, and most judges and lawyers put more weight on the criminal’s motivation—excusing him if he is a victim, demonizing him if he is a bigot—or on the social costs and consequences of crime.

A good example of the replacement of facts by motive and consequence can be found in the response to the murder in Jasper. When three white men killed a disabled black man, much of the public outcry was concerned first with the probable racist motivation and second with the impact on the community. Much was made of the killers’ affiliation with white supremacist organizations, and one defense attorney, in response, argued that his client had only become a racist while serving time in prison and should not, as a result, receive the death penalty. Black residents of Jasper were interviewed on television and heard to say that they no longer believed that the community was making racial progress, and far-right conservatives wrote editorials arguing that whites were being demonized as racists even though blacks are more likely to kill whites than *vice versa*.

In the course of this debate over intentions and social impact, the simple fact of the case became blurred: Three grown men had decided to torture and kill another man for no good reason. The fact of willful murder, once established, should be sufficient both for conviction and for the death penalty. Motivation and circumstance are only useful in mitigating a crime, as in a case of self-defense or a “crime of passion.” But if a visitor from

Mars had been following the trial on television, he would have concluded that, in America, racial bigotry is a more serious offense than murder.

The whole concept of a "hate crime" against a designated racial or sexual minority reflects our obsession with motive as opposed to fact. The subjectivism of this approach is clear from the federal Hate Crimes Statistics Act (1990), which covers "crimes that manifested evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property." Although the federal government has virtually defined the hate crime, it is the states that have taken the lead on enforcement.

When a hoodlum throws a rock through a window in Boston, what matters now is not so much the broken window in an apartment as the mental suffering of the inhabitant who hears the racial slur that accompanies the rock and the mental attitude of the hooligan as he threw it. In current Massachusetts law, any damage to a person or property "for the purpose of intimidation because of . . . race, color, religion, or national origin" can result in two-and-a-half years in jail and a \$5,000 fine—stiff penalties, potentially, for an act of petty vandalism.

The fact of vandalism is easy to determine, but it is notoriously hard to figure out a man's motivation. Even a bigot might have complex personal motives for throwing a rock. If motives are hard to determine, it is even harder to assess the effect of a hate crime, particularly in a state like California whose penal code includes the infliction of emotional suffering on its list of bias crimes. And yet, far from wanting to limit the scope of such laws, President Clinton—who has reasons for wanting to obscure questions of crime and punishment—has called for a broadening of their definition to include "crimes committed because of a victim's sexual orientation, gender or disability."

Mr. Clinton is apparently under the impression that, until recently, bigots were free to commit assault or vandalism upon homosexuals and cripples. But even though such crimes are punished under existing laws, additional penalties are required, because hate crimes are intended to intimidate an entire "community." Hate crimes, then, are not to be judged by the practical damage inflicted on an individual but as a kind of social poison; as Clinton puts it, "Violence motivated by prejudice and hatred . . . hurts us all."

The only opposition to hate-crimes statutes (apart from the opposition of organizations promoting hate) has come from civil libertarians who misinterpret the First Amendment as giving the federal government the power to guarantee free expression, even when a local community or private association (e.g., a college or labor union) has reason to restrict it. There is no constitutional right to be threatening and offensive, and if a predominantly Jewish community that includes holocaust survivors chooses not to permit Nazis to stage an antisemitic demonstration, it is only by the wildest deconstruction that the Constitution can be invoked to guarantee free speech to a group explicitly calling for the harassment and murder of Jews.

Communities have a perfect right to regulate forms of offensive expression, such as spitting on the sidewalk, obscene public behavior, cursing, and threatening language or gestures. The problem with hate-crimes legislation is not that we cannot or should not penalize these extreme forms of incivility, but that we should not confuse our most basic sense of justice by introducing the concept of bias into criminal legislation against

murder, assault, and arson.

Hate crimes are one among many types of criminal activity that transcend the usual categories of crime and punishment, and some lawmakers are calling for stringent, even draconian, penalties for particularly unpopular classes of felonies: crimes against children, narcotics offenses, the shooting of policemen and other public officials. To declare war on crime or drugs sounds like a noble commitment to virtue, but by implication, we as citizens are being asked to suspend our judgment, overlook legal niceties, and rally round the flag of public decency. As one anti-drug crusader is fond of saying, "We've got to give up our superstitious attachment to the Bill of Rights."

Fairness in individual cases now takes a back seat to the welfare of the community. In Michigan, Ronald Harmelin was stopped in 1991 for a routine traffic violation, and when he was caught with 672 grams of cocaine, he was convicted of possessing more than 650 grams of cocaine and sentenced to life without parole. The U.S. Supreme Court upheld the conviction on the grounds that drug users often commit crimes. (So do Arkansas lawyers, but that does not prevent them, as a class, from becoming governor or even president.)

The predictable results of crusades against crime are the demonization of certain classes of criminals and the creation of an atmosphere of terror. Armed robbery is, admittedly, a serious crime, and the murder of a policeman an act worthy of death, but is it fair to give a light sentence to a killer or rapist and possibly impose the death penalty on the driver of the get-away car in a case involving the death of a policeman? Petty criminals are undoubtedly a scourge on society, but is it wise to hand out life sentences to three-time losers who get caught shoplifting? But these are the practical effects of the "get tough on crime" crusades advocated by many conservative Republicans.

The whole concept of the "threat to society" posed by organized crime, drug dealers, and cigarette smokers is in itself dangerous. It hardly seems fair, for example, to expect smokers to pay the cost of increased defense spending, but in January the Clinton administration announced "plans to propose a Federal tax increase of 55 cents a pack on cigarettes to help pay for new domestic and military spending programs." I suppose someone has to pay for all the cruise missiles we have shot into Serbian villages and TV stations.

If liberals are fairly accused of being soft on crime and too concerned with the mental condition and rehabilitation of the criminal, conservatives have gone to the other extreme in protecting society through crackdowns on crime that overlook such small matters as the rights of the criminals as well as larger concerns such as justice itself. "What is good for society" is an objective that governments must consider in framing any social policy, whether it is concerned with drug abuse or family assistance, but helping addicts to recover from addiction and providing mothers with financial support for their children are not primarily questions of justice. Neither is public safety.

Among the most glaring abuses of justice are the various state laws stipulating mandatory sentences for various offenses, the most outrageous being the "three strikes" laws in Washington, California, and other states. These laws, designed to take repeat offenders off the street, mandate sentences up to life for third offenses. The justification for mandatory sentencing laws is always the safety of the public and the cost of enforcement, and the criticism is almost always made on the grounds of either cost—more prisons cost more money—or kindness toward

criminals. Justice hardly enters into the discussion.

In the case of violent or potentially violent crimes—assault and armed robbery, for example—a graduated scale of punishment for repeat offenses is both practical and just. A boy, after all, might be pardoned for one misguided attempt to rob a liquor store, but a man who makes a habit of threatening death to clerks who refuse to turn over the contents of the cash register has forfeited his right to live. If California were to pass a three-strikes law that laid down the death penalty for the third occurrence of crimes in which death or the threat of death was involved, such as non-accidental homicide, armed robbery, arson, rape, and kidnapping, the state would have demonstrated its commitment to justice.

However, in fact, the most common offenses are (in order) robbery and burglary, possession of a controlled substance, second-degree burglary, and possession of a weapon. Last January, the case of Michael Wayne Riggs came up before the U.S. Supreme Court. Riggs, who had a string of convictions for drugs and theft, received a 25-year sentence for shoplifting a bottle of vitamins from a California supermarket. The Court, in an unusual states' rights decision, refused to hear the case, even though 25 years is cruel and unusual punishment for petty theft anywhere this side of Saudi Arabia.

American jurisprudence, in pursuing its obsession with the causes and consequences of crime, has succeeded in obscuring the matters of fact that lie at the center of justice. The laws of the Romans, the Greeks, the Jews, and the Germanic tribes of Europe all emphasized the facts of a crime or tort and designed penalties that corresponded, in principle at least, with the gravity of the crime that had been committed. Motives were not ignored, and even the Germanic codes distinguish between accidental and willful homicides; social consequences also played their part, in distinguishing between the murder of an armed warrior and that of a peasant and in imposing terrible penalties on arsonists, but questions of circumstance and social utility were not supposed to take precedence over retribution itself, which is the one universal foundation of justice.

Even Kant, not a philosopher I should ordinarily cite (much less recommend), insisted that

judicial punishment may never be used solely as a means to promote some other good for the criminal himself or for society, but instead must in all cases be imposed on a person solely on the ground that he has committed a crime. . . . and woe to him who rummages around in the winding paths of a theory of happiness looking for some advantage to be gained by releasing the criminal from punishment or by reducing the amount of it."

The same strictures apply to schemes that aggravate, as well as those that mitigate, the penalties that a criminal has deserved.

The goddess of justice (Astraea) was the last of the immortals to leave the earth, according to a conceit of the poet Aratus, and Roman writers composing their panegyrics on the gangster-emperors of the late Empire inevitably claimed that the dead or deified ruler had brought justice back to earth. If we expect our own rulers to reestablish the rule of law, Americans will have a long wait. As Judge Learned Hand once pointed out, "When Plato tried to define justice, he found he could not stop short of building a commonwealth." For us to recover the meaning of justice, we shall have to reestablish our own commonwealth.

DICTATIONS

Regrets Only

"Any loss of life is regretted," announced Col. Manfred Freytag, after a NATO pilot fired a missile into a bus carrying civilians across a bridge about ten miles out of Pristina. The official voice is unmistakable, even in Our Man Friday's unnerving accent. In the official language of the New Order, true statements are always put into the passive voice, lies into the active. "Mistakes were made," chirped the First Family in its first term in reference to one or another of their peccadilloes—who can keep track? But when the President wants to lie, he has to use the active voice to avoid the suspicion that he is being evasive: "I never had a sexual relationship. . . ." True to form, the Man who is Friday declared: "I want to underline that we did not bomb that bus." Similarly, we did not bomb the Albanian refugees, insisted Jamie Shea, who also said we were not going to bomb Serbian television.

Serbs learning English—and Americans learning Serbian—are told to avoid the passive voice. But Serbs, like Italians, have a useful reflexive construction at their disposal whenever they want to avoid the moral burden imposed by a direct statement in the active. Stopping people on the street and asking directions is always embarrassing, if only because of the direct nature of the appeal; walking out of the train station in Florence, you want to ask: "Can you tell me where Santa Maria Novella is located?" (You feel like a complete fool, by the way, when the stranger points across the street.) It is somehow cleaner and less entangling to use the reflexive—"Si potrebbe dire. . . ."—which is even less direct than: "Would it be possible to say?"

French and German equivocators can rely on their "on dit" and "man tut," but an American cannot get away with "one says" or even "it isn't done." Some wisecracker is bound to ask: "Who says?" or "By whom isn't it done?" But, bombs be praised, the NATO empire has given us a complete grammar of lies: the feminine yin of the passive voice, coupled with the masculine yang of the lie direct. Chinese, of course, does without the verbal complexity of tense, mood, and voice, but in view of the Clinton administration's decision to withhold no military secrets from the People's Republic, we may all have to start boning up on Mandarin.

—Humpty Dumpty

Deformations of Justice

The Presumption of Innocence, Double Jeopardy, and Other Fairy Tales

by Philip Jenkins



Darren Gygi

If a U.S. administration formally attempted to establish an authoritarian police state, its efforts would almost certainly encounter bitter and even violent resistance; recent experience, however, has shown that remarkably authoritarian and unconstitutional methods can be established without provoking serious protest, provided they are introduced piecemeal and justified by the rhetoric of good intentions. In the last 15 years, notions of justice in America have repeatedly been subverted and distorted, usually through what might be called the politics of the ultimate evil: Yes, of course, we believe that individual rights and due process are essential to democracy, but what you naive citizens fail to realize is that major concessions must be made in order to fight the uniquely menacing and difficult problem of [insert emotive issue here]. Whether we are dealing with drugs, child abuse, terrorism, nonpayment of child support, tobacco, or handguns, this particular threat is so urgent, and so challenges our conventional legal mechanisms, that liberties must be sacrificed to achieve a higher good. What honest citizen could disagree, at least without seeming to connive at the wrongs in question? Though this attitude is certainly not new to the Clinton administration, it flourished uniquely in this communitarian environment: This was the administration that suggested that illegal immigration must be combated by requiring all employees to possess identity cards, encoded with those vastly informative microchips. Identity cards would also have been the basis of the failed healthcare reform package of some years back: One way or another, under whatever excuse, the cards are coming.

While assaults on liberties have been numerous and multifaceted, the most dangerous of all have focused on legal rights

and judicial process. Through a sequence of “ultimate evils,” we have undergone a silent and scarcely noticed revolution in which such basic ideas as the presumption of innocence have been scattered to the winds. And so has the right to trial: not the right to a *fair* trial, but to the formality of a trial as a prerequisite for the infliction of serious penalties. While civil libertarians have been fighting persistently to protect the rights of suspects and defendants in criminal cases, they have scarcely noticed the massive shift of official regulation and sanctions out of the scope of criminal law altogether and into the area of administrative law and civil litigation. How have we come so far, and why did most of us fail to notice it? Why are we not panicking?

Many of the legal abuses of recent years have involved the violation of “due process,” and it is useful to define exactly what that concept has entailed: If the ideas seem painfully obvious, it is all the more striking that they should be flouted daily with so little objection. The ancient legal tradition is that punishment should be inflicted only for acts, not for beliefs or tendencies, and that wrongful acts should be carefully and specifically defined in order to limit the exercise of arbitrary power. In the Anglo-American world, proper procedure requires a formal hearing in which both prosecution and defense have a full opportunity to present evidence, and in which the accused has the presumption of innocence. The Enlightenment tradition further demanded that punishments should be proportional to the crimes committed and that they should be clearly stated so that citizens would know precisely the risks they were running in undertaking certain types of conduct. Throughout, the guiding principles are clarity, predictability, and rationality, together with a healthy suspicion that the state is likely to abuse any discretionary powers with which it is entrusted.

And yet, if a contemporary federal court decided to enforce these principles strictly, it would be viewed as launching a legal

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revolution and ruthlessly trampling on the agents of law enforcement, who have come increasingly to rely on the denial of due process in order to accomplish their everyday work. Consider, for example, the vast realm of anti-drug enforcement, which currently consumes some \$15 billion of federal money annually (to say nothing of state expenditures). Much of the funding for this War on Drugs comes from asset forfeiture, a supposedly civil proceeding which in fact inflicts savage penalties on individuals without legal process.

The idea of asset forfeiture is ancient and is based on the reasonable belief that tools or weapons used in the commission of a crime should be seized by the state. Under a 1970 U.S. law, however, authorities are permitted to seize any goods or property used in connection with drug manufacture or trafficking, while the Omnibus Crime Control Act of 1984 allows agencies to seize any cash or property allegedly used in connection with the narcotics trade. Monetary seizures are a particularly sensitive topic, as cash is often taken because individuals happen to be transporting what customs officials regard as suspiciously large amounts, even if there is no concrete evidence of wrongdoing. Confiscated money can be reclaimed, but only through a cumbersome procedure in which the accused individual has to prove his innocence and is required to put up an oppressively large bond even to obtain a hearing. This represents a gigantic leap from the simple notion of confiscating a burglar's tools or a robber's knife. The same 1970 federal law introduced the vicious RICO process, ostensibly targeting Racketeer Influenced and Corrupt Organizations, and any group so designated may have its assets seized prior to trial or judgment, destroying its ability to mount an effective legal defense.

Cumulatively, the new legal apparatus means that goods can be confiscated even if the actual owners of the property were unaware of the illegal conduct for which it had been used, and by means of a process in which the accused possesses few rights. In a 1996 decision, the U.S. Supreme Court ruled that authorities could seize assets through a civil procedure in addition to prosecuting offenders criminally, even though this is a *prima facie* violation of the constitutional prohibition of double jeopardy. Incredibly, the seizure of property is not legally categorized as a punishment, though the confiscation of a house, car, or bank account looks pretty penal to most observers. As confiscated goods are used to fund further anti-drug efforts, state, city, and local agencies have a vast incentive to seek out drug trafficking, and many blatantly cut legal corners in the process. Very few politicians even question the activities of the anti-drug bureaucracy, much less defend the rights of alleged drug dealers. (One exception is Rep. Henry Hyde, whose courageous jeremiad *Forfeiting Our Property Rights* was published in 1995 by the Cato Institute.)

For most members of the public, the War on Drugs seems a distant and unsavory reality, and there is a general sense that, while a certain rough justice might be inevitable, few of those arrested or imprisoned are truly innocent. However, ideas like asset forfeiture have an inevitable tendency to creep into the social and legal mainstream, and the overwhelming power of the notion is apparent from some recent controversies. One came in New York City, where Mayor Rudolph Giuliani decided to apply the principle to seizing the cars of people arrested (not convicted) for drunk driving. After all, drunk drivers are now so unpopular that they can have no defenders, and the same holds

true of anyone accused of the offense: accused, suspected, proved guilty, what is the difference?

One remarkable example of official *chutzpah* from earlier this year was a pernicious piece of stealth legislation which sought to impose a "Know Your Customer" principle on all banks. Under the proposed law, which was withdrawn following a national outcry, banks would have been required to track the financial patterns of their customers and to report to federal authorities any deviations which suggested extraordinary or suspicious transactions—behavior which might imply money laundering. Once the IRS or DEA had determined that the unexplained check or payment indicated evildoing, the agency theoretically could have seized the account in question and held it under the same circumstances which apply to suspected drug dealers. Assets could be recovered, but only if customers could prove their innocence and could afford to post the required bond which constitutes the admission fee to the courts of justice.

Contrary to widespread impression, you can indeed suffer criminal penalties without a smidgen of due process, and that is not the only legal myth which has recently been exploded. There are some ill-informed folk who believe in a mythical beast called the "principle of double jeopardy," the theory that no one should be tried twice for the same offense. Once again, this principle of justice has been put to rest as part of the pursuit of higher and nobler goals: in this instance, the establishment of civil rights. The civil-rights revolution of the 1960's marked a legal watershed in American history because of the many glaring instances in which state and city authorities denied or twisted justice in the interest of preserving racial superiority. In response, the federal government vastly increased federal criminal jurisdiction at the expense of state powers and intervened to supersede the decisions of biased Southern courts. One casualty of this process was the idea of double jeopardy. When flagrantly guilty racist assassins were freed by Southern juries, the government intervened to prosecute them anew for the novel offense of violating the civil rights of their victims, a fascinating concept given the vast array of possible connotations of "civil rights."

When groups of men in white hoods and/or swastikas hang or burn a black man chosen randomly on the basis of his race, most reasonable people would agree that an offense against civil rights has been committed, but then a natural process of escalation expands the meaning of the term still further. It is suggested by analogy that any number of other victims are likewise persecuted on the strength of their status, whether as women, gays, or ethnic minorities, and the level of "violation" required to invoke the law plummets from the forcible violence of lynching to assault or even mere name-calling. It is puzzling to know that a California jury acquitted the police officers charged in 1991 with beating Rodney King, but it is even more troubling to see that this verdict was *de facto* overturned by a civil-rights prosecution. Of course, the second trial was not technically for the same charges, but the same actions by the same individuals were examined afresh by a new court. By any reasonable standard, that is a second trial for the same action.

Protection against double jeopardy also collapsed due to the thorough confusion of civil and criminal penalties, which, as we have already seen from the case of asset forfeiture, constitutes a sinister and pervasive threat to our ideas of justice. A majority of Americans were outraged when O.J. Simpson was acquitted of criminal charges, and they were duly gratified when

a subsequent civil trial found him responsible for two violent deaths and, therefore, liable to pay tens of millions of dollars. While not subjecting him to lifetime imprisonment, at least the civil verdict promised to cripple him financially; justice, it seemed, was served. But was it? Were it not for the fact that the second trial was labeled civil, with a different prevailing standard of evidence and proof, who but a lawyer would deny that Simpson was subjected to double jeopardy, to two trials for the same offense, in exactly the same way as the assailants of Rodney King? And whereas a criminal trial demands proof of guilt beyond a reasonable doubt (say, the support of 98 percent of the available evidence), a civil suit requires only a preponderance of evidence (51 percent). One way or another, the prosecution will get you, by fair means or foul.

The same mixture of civil and criminal process is found in recent sexual-predator legislation in many American states. Under these statutes, a sex offender is sentenced to prison for a set term, and, as the time of release approaches, is subjected to a new hearing at which he can be adjudged a "sexual predator" who might endanger the public in the future. He is thereupon committed civilly to a special institution for an indefinite term, perhaps lifelong. The evidence in this second, "civil" encounter basically recapitulates that from the original trial, but once again, the fact that it bears the charmed title of "civil procedure" immunizes it against double-jeopardy protections. However difficult it is to mobilize public sympathy in favor of O.J. Simpson, much less a repeat sex offender, we should be thoroughly alarmed at the idea that a formal trial with the power to inflict life-destroying penalties should be immune from conventional legal restraints solely because it is termed "civil litigation."

The use of a wrongful death suit in the Simpson case also illustrates the use of litigation to achieve goals which seem beyond the reach of the criminal process. Here again, we are dealing with the legacy of the civil-rights movement, which transformed attitudes toward the role of courts and law and promoted the view that civil litigation could be a healthy and socially desirable means of redressing injustice. "Litigating for rights" was appropriate when cases were fought on behalf of classes of unrepresented victims opposing powerful corporations or institutions. Particularly since the "litigation revolution" of the late 1970's, the urge to hit hard at unpopular or indefensible conduct has repeatedly encouraged legislatures to incorporate civil penalties into criminal laws, so that perpetrators can be both prosecuted and sued. The classic modern example of this is the 1994 federal Violence Against Women Act, but the same idea is also found in more recent hate-crime statutes. Both measures feature civil processes because such actions are easier to prosecute successfully than their criminal counterparts, while the prospect of financial remedies serves to encourage litigants. Although "fomenting litigation" was one of the worst professional breaches with which a lawyer could be charged, the active encouragement of speculative and even buccaneering lawsuits is now official federal policy.

To take another current example, no government would dare pass a law explicitly stating that the sale or manufacture of tobacco was a criminal offense and, moreover, apply the law retroactively to those who had engaged in these activities 20 or 30 years ago. The very notion is abhorrent and would not endure for a minute before an appeals court: The criminal law has clear and known principles which such a measure would vio-

late. Yet what would not be attempted on the floor of the legislature can be achieved with remarkable ease in the courts, given sufficient public outrage against any supposed malefactors of great wealth. The recent lawsuits against the tobacco industry, and the subsequent multi-billion-dollar "settlement" extorted from those particular pigeons, have inflicted gigantic quasi-criminal penalties on the basis of *ex post facto* law, funded on the palpable fiction that individuals who smoked cigarettes in the 1960's and 1970's were unaware of the health consequences to which they were subjecting themselves. (Did they live on desert islands?)

Whatever happened to the idea of punishment being "legally inflicted in virtue of a law passed and promulgated before the commission of the offense," as Lafayette and Jefferson phrased it in the French Declaration of the Rights of Man? Ah, but the payments in the tobacco cases are neither punishments in general, nor fines in particular: They are merely a civil settlement agreed at quite voluntarily (or so runs the legal speak). Civil suits thus offer the potential to sidestep the criminal process altogether, to effect far-reaching social change without having to deal with the protections available to criminal suspects and defendants. Worse, the abuse of civil litigation is a cumulative process, as the vast successes enjoyed in one field of legal endeavor are bound to be imitated in other areas, and as future corporate "perpetrators" recognize the expediency of settling rather than fighting to the last ditch. Tobacco, guns, then liquor, coffee, and presumably red meat: If the sequence sounds alarmist right now, just wait five or ten years.

In a very few years, we have all but lost the presumption of innocence, as well as our protection against double jeopardy and *ex post facto* laws, which frankly does not leave much of our theoretical rights. If we have any hope of preventing further erosion, or even of beginning the long climb back to a just society, we need to be extraordinarily vigilant and hostile to any further enhancements of official power. And whenever an administration proposes any extraordinary or draconian legal principle, it always helps to remember a basic rule: today, the drug dealer or terrorist; tomorrow, the rest of us.

The Abyss

by Timothy Murphy

His subterfuge is deep
and devious is his task
but the man behind the mask
I take off when I sleep
is the one friend I can ask
to look before I leap.

The Living Constitution and the Death of Sovereignty

American Constitutional Law Goes International

by Stephen B. Presser



As this is written, the United States and its NATO allies are bombing the Serbian forces of Slobodan Milosevic. This is the first offensive action for NATO, and the first time that Allied armed forces have been unleashed against a sovereign nation with which the United States is not formally at war without an express authorization by the U.N. Security Council. The American public seems mesmerized by the course of events, and while, as yet, there seems no widespread opposition to our wholesale destruction of persons and property in the Balkans, neither is there much ringing support.

The bombing in the Balkans is part of a post-Vietnam creation of a new set of doctrines of international law. These doctrines have no clearly defined limits and can be used to justify brute force and human carnage in ways we have never before seen. We may be witnessing the opening moves in the forging of a New World Order, where national sovereignty is fundamentally impaired and where the possessors of superior military force can dictate the basic terms of domestic life to other nations without even the formality of conquering them in the course of conventional warfare.

President Clinton has argued that it is necessary for us to participate in the bombing of Yugoslavian targets because Mr. Milosevic and his armed forces have committed violations of the "human rights" of the ethnic Albanians who make up the majority of the population of Kosovo. His foreign-policy team has claimed that Mr. Milosevic is bent on following the same policy of "ethnic cleansing" that his Serbs have undertaken in other parts of what used to be Yugoslavia, as they seek to build a "greater Serbia."

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Investigations by international organizations have not been able to substantiate prior claims that the Serbs were following a policy of genocide; and the Kosovo Liberation Army seems to have engaged in a bit of ethnic cleansing of its own against the Serbian minority of Kosovo, just as the Bosnians earlier did to the Bosnian Serbs. As often seems to be the case in the Balkans, none of the belligerents play by Marquis of Queensbury rules. Not for nothing did Otto von Bismarck declare that the Balkans were not worth the bones of a single Prussian soldier.

Whatever the "human rights" and "ethnic cleansing" pretexts of NATO and the American President, it is the legal thinking behind the strategy that is the most new and alarming.

Considering the text of the Rambouillet accords, the real reason for bombing Milosevic's forces—the army of a sovereign nation—appears to be to compel Belgrade to cede autonomy, if not territory, to a minority ethnic group within its borders. Some critics of our intervention in the Balkans have likened our behavior to Japan bombing California to force it to cede autonomy to Latinos in regions where they make up a majority of the population. This seems far-fetched, but so does the President's claim that if we do not act to prevent Yugoslavia's aggression against its own citizens, the flight of refugees from Kosovo could destabilize neighboring NATO allies, particularly Greece and Turkey, so that NATO's bombing activities are really authorized by its basic purpose of self-defense. Indeed, what does our intervention in Serbia say to the ethnic Kurds in Turkey or even the ethnic Turks in Germany, let alone the African-American, Hispanic, Polish, Italian, Irish, and other ethnic and racial minorities in the United States itself?

What in the U.N. Charter or in international law would authorize our action in the Balkans, and what, if any, are the limits of our new doctrine of humanitarian intervention?

Article I of the U.N. Charter provides that the purposes of the

United Nations are “To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace.” But Article II, Section 4, states, “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state,” and Article II, Section 7, provides that “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.” Even so, that same Article II, Section 7, states that “this principle [of non-intervention into matters of domestic jurisdiction] shall not prejudice the application of enforcement measures under Chapter VII.”

Chapter VII, Article 39, states that the Security Council “shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.” Article 41 covers matters not involving use of armed force, but Article 42 states:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Chapter VIII provides for enforcement actions to be taken by “regional arrangements or agencies” such as NATO, but Article 53, in pertinent part, explicitly indicates that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.”

There is some obscurity here, and some difficulty caused by the fact that the Charter seeks to secure both the protection of “fundamental human rights” and the “equal rights” of “nations large and small.” The Charter clearly undertakes to protect the territorial integrity and the sovereignty of individual nations, and it seems to say that it is improper for the United Nations or for NATO to interfere in a nation’s domestic affairs unless the Security Council decides that what is going on is a threat to “international peace and security” and the Security Council expressly authorizes intervention. There have been some official expressions of concern by the United Nations and its agencies about what is going on in the Balkans, but there has been no Security Council authorization for U.N. or NATO intervention in Kosovo.

Wholly outside the U.N. Charter, however, there has been developing for many years a series of international law doctrines which *do* authorize interference by one state in another’s affairs. These have included military actions to protect one’s own citizens who reside within another nation’s borders, and, before and after the establishment of the U.N. Charter with its stated purpose of guaranteeing “fundamental human rights,” there have been several armed interventions by nations, purportedly to protect the rights of minorities in particular or human rights in general, whether or not the individuals to be protected were citizens of the intervening nations. A third

type of intervention has occurred, usually under U.N. auspices, in the cases of certain “failed states” deemed incapable of fulfilling their responsibility of protecting human rights, and there is even some scholarly and U.N. support for a fourth type of intervention to prevent human-rights violations that have not yet occurred. For these theorists, of course, national sovereignty counts for very little, if anything.

The “Restatement of Foreign Relations Law” sponsored by the American Law Institute—America’s most prestigious organization of judges, lawyers, and legal academics—sums all this up:

Whether a state may intervene with military force in the territory of another state without its consent, not to rescue the victims but to prevent or terminate human rights violations, is not agreed or authoritatively determined. Such intervention might be acceptable if taken pursuant to resolution of a United Nations body or of a regional organization such as the Organization of American States.

The best that can be said is that there is no clear justification in international law for what we are doing in the Balkans; more likely, we are in violation of the U.N. Charter. Even so, there is domestic precedent, of a sort, for the legal arguments that we are making to support our intervention in the Balkans. We are witnessing the migration of liberal constitutional law—the theory of a living Constitution—into international law.

As I have written in these pages before, the dominant jurisprudence in the American legal academy and in the nation’s courts today is “legal realism”—the notion that judges can make the law mean pretty much anything they want. Beginning with Franklin Delano Roosevelt and his academic advisors, the Constitution’s Interstate Commerce Clause has been read broadly enough to allow the federal government to intrude into virtually any matter of state law, on the theory that what happened inside the states would eventually affect other states and the nation at large. The Clinton administration has used this argument to support initiatives as diverse as the Federal Gun Free School Zones Act, which forbade firearms in or near schools, and the Violence Against Women Act, which sought to expand the intervention of federal authorities into state prosecution of crime. The Clinton administration’s argument that events in Serbia could affect other NATO countries and thus justify the offensive actions of this defensive organization are cut from the same cloth.

NATO’s justification for bypassing an express Security Council authorization for its Belgrade bombing—that the Security Council’s earlier expression of concern implicitly authorizes armed intervention—belies the real difficulty: Russia or China would veto any such resolution. NATO’s decision to go ahead without authorization is reminiscent of the Clinton administration’s tactics regarding Bill Lan Lee, “acting” head of the Justice Department’s Civil Rights Division. Mr. Lee’s position is supposed to be subject to Senate confirmation, but since his nomination has failed to secure the needed Senate approval, the President has repeatedly violated the spirit, if not the letter, of the laws regarding temporary appointments and periodically reappointed Mr. Lee “temporarily” to his position, thus mocking the Constitution’s structure of checks and balances. Mr. Lee has used his division in a manner which seems to ignore Supreme Court rulings on affirmative action. Since the Clinton administration disagrees with those rulings, however, the

President and his people seem happy to ignore the constitutional structure. Something similar is now under way in international law.

The idea that we can proceed from the “implications” of Security Council actions and still act in a manner consistent with the U.N. Charter is similar to the Supreme Court’s argument regarding the unenumerated “right of privacy” which is said to flow from “penumbras and emanations” of various items in the Bill of Rights. Thus, in 1973, in the heyday of expansive interpretation of constitutional law, the Supreme Court, in the notorious *Roe v. Wade* decision, expanded the right of privacy into a prohibition against states forbidding first-term abortions, and the “right” to secure an abortion became a part of the Constitution.

Over the last few decades, the Supreme Court has recognized so many such “rights” that it has set forth a “balancing test” which gives it complete discretion not only to create new rights but to limit others in the service of some purported constitutional goal. Some scholars in American law reviews (the traditional testing ground for radical American legal theories) have suggested a similar balancing test for international law, in which the United Nations, or perhaps the International Court of Justice, or now NATO, would balance the Charter’s guarantees of territorial integrity, non-intervention, and state sovereignty against the “fundamental human rights” of each individual and allow the latter to prevail over the former. This is precisely what seems to be going on now.

The effect is that we can no longer rely on the “plain meaning” of the words of domestic or international law. For some time, this was the case in American civil-rights laws, which clearly forbid all discrimination on the basis of race but were read by federal agencies and many federal courts to require discrimination on the basis of race in order to favor the victims of prior discrimination. Mercifully, the Supreme Court has recently repudiated much of this “affirmative action” activity, in part because it was encouraging the “balkanization” of the American polity. Having used a twisted version of domestic constitutional law to “balkanize” America, we have now turned our constitutional law jurisprudence on the Balkans themselves.

No one knows, of course, what precedential force our intervention in the Balkans will have, but the course of American constitutional law in the last generation has shown that even the most egregious precedents are rarely overruled and that newly minted “rights” quickly generate others. This may well be true in the case of “human rights” on an international scale. One can imagine future “preventive interventions” based on quality of life and the extent to which expanded “fundamental human rights” are implemented. Much of the rhetoric employed against Mr. Milosevic turns on his status as a dictator, and several writers in the law reviews have claimed that a basic component of “fundamental human rights” is popular sovereignty secured through democratic institutions. Another component is basic human dignity, including rights to shelter, food, clothing, and even meaningful employment.

Is it too far-fetched to imagine a time when intervention might be justified if a country fails to provide three branches of government, along the American model, with a Supreme Court administering a plastic Constitution aided by Harvard and Yale professors? Could we justify armed intervention any time women have second-class status, as is still true in many Is-

lamic and African nations?

There are also disturbing redistributionist implications to much academic and U.N. human-rights rhetoric, and it is easy to imagine a regime of private property being overthrown by armed force on the basis of “fundamental human rights.” That experiment has, of course, been tried in the Soviet Bloc nations with disturbing results. The essence of our Constitution, at least in the minds of the Framers, was that it was an essential tool to protect both person and property, and our Bill of Rights is heavy on the protection of property rights and light on what are now regarded, in the international sphere, as “fundamental human rights.” For the Framers, the most fundamental human right was the exercise of self-government through one’s elected representatives. The U.N. Charter nods in the direction of self-determination and non-interference, but its ambiguity regarding “fundamental human rights” undercuts this assurance. For the last generation, the U.S. Supreme Court, in expansively interpreting the Commerce Clause, the Bill of Rights, and the 14th Amendment, seriously restricted state and local rights of self-government. The risks of that happening on an international scale are real, and the erosion of national sovereignty is the means.

Our action in Kosovo erodes that sovereignty, as does ceding command of U.S. forces to NATO or the United Nations. Thirty years ago, at Harvard Law School, a teacher could excite his students by suggesting that we should all try to practice in the area of public international law because “the dew was still on the grass.” It may be late afternoon now, and we ought to worry about what might happen before nightfall. International law has always been messy, the Law of Nations has always been unclear, and national sovereignty, so valuable to us, is a fragile creation of the era of nation-states. It is only a few hundred years old, and it could easily perish. For most of human history, the basic principle of international relations was that “might makes right”; the idea of the sovereignty of individual nations, set forth in the work of the great civilian treatise writers on international law—Grotius, Pufendorf, Burlamaqui, and Vattel—was designed to secure for nations the right to govern themselves. Even the famously xenophobic English common law embraced this attitude through the work of Blackstone and Mansfield, and it was incorporated in American law through such great Federalist judges as John Marshall, Joseph Story, and James Kent.

Statecraft has always required prudence, particularly where there are no clear abstract principles for guidance. If sovereignty is to be preserved, there will be a great need for such prudence, and a great need to resist the temptation to abuse our military power in the pursuit of chimerical and dangerous ends. We must learn that we cannot seek to overturn every injustice, that there are at least two sides to every argument, and that the opportunities for disinformation and falsehood have multiplied exponentially in our “information age.” Accordingly, we ought to proceed with extraordinary judgment, restraint, integrity, and an attention to our classic constitutional values, the most important of which are the protection of property and self-government. The risk of generating harmful precedents is horrific, and the costs of inconsistency are dreadful. If we attack Mr. Milosevic, especially in a manner that has little justification under international law, but leave “fundamental human rights” violations in Iraq or Tibet or East Timor or China untouched, we may do little for human rights in the long run and radically undercut sovereignty and the rule of law now. c

“Social” Justice Is Not Justice

The Mirage of John Rawls

by Antony Flew



In *The Mirage of Social Justice*, the second volume of his trilogy on *Law, Legislation, and Liberty*, Friedrich von Hayek confessed that, “as a result of long endeavors to trace the destructive effect which the invocation of ‘social justice’ has had on our moral sensitivity,” he had “come to feel strongly that the greatest service” he could “still render” to his fellows would be to “make . . . speakers and writers . . . thoroughly ashamed . . . to employ the term ‘social justice.’”

Certainly, as Hayek proceeded so painstakingly to show, this cant expression was, and indeed still is, usually employed quite thoughtlessly. Few, if any, of those who habitually use it have even attempted to produce a systematic and consistent rationale for its application. Nevertheless, the expression “the achievement of social justice” can be illuminatingly defined as being the achievement by statist means of whatever would, for socialists, constitute an ideal distribution of goods of all kinds. The word “socialism” here, following Hayek’s suggestion in his Preface to the second edition of *The Road to Serfdom*, is understood to mean “not the nationalization of the means of production and the central economic planning which this made possible and necessary” but “the extensive redistribution of incomes through taxation and the institutions of the welfare state.”

Hayek’s chances of fulfilling his ambition to make people ashamed to talk of social justice would have been much greater if only he had been able and willing to direct his fire at John Rawls. For although Rawls’ 607-page book is misleadingly entitled *A Theory of Justice*, he reveals within its first ten pages that his true subject is “the principles of social justice”: principles which, he tells us, “provide a way of assigning rights and duties

in the basic institution of society and . . . define the appropriate distribution of the benefits and burdens of social co-operation.” Because Rawls attempted to satisfy the need for some clear formulation and persuasive rationalization of the putative principles of social justice, this book received a wide and overwhelmingly enthusiastic welcome. It remains the standard starting point for all subsequent theoretical discussion.

Rawls, however, makes absolutely no attempt to show how, if at all, these principles of “social” justice are related to justice as traditionally understood. He pays no attention to the warning about the need for definition which Plato’s Socrates is scripted to give in the final sentence of the first book of Plato’s *Republic*: “For if I do not know what justice is I am scarcely likely to find out whether its possessor is happy or unhappy.” Indeed, it is only on his 579th page that Rawls explains, without any suggestion of apology, that he was eager “to leave questions of meaning and definition aside and get on with the task of developing a substantive theory [not of ‘social’ justice but] of justice.”

This extraordinary—and extraordinarily unphilosophical—refusal to define or otherwise elucidate the key term of the entire argument must surely make the book the only substantial treatise purporting to be about justice not to have quoted the traditional definition. (That is, by the way, the definition proposed by Polemarchus, but rejected by Plato’s Socrates, in Book I of the *Republic*. I will not resist the temptation to point out that, in the remaining nine books, Plato scripted his Socrates to develop principles of what Rawls calls social justice radically different from those proposed by Rawls himself.) The version found in the *Institutes* of Justinian is inscribed on a wall of the library of the Harvard Law School. It is there helpfully translated as: “To live honourably, not to injure another, to render to each his due.” The expression “his due” is presumably to be construed as referring to the several just deserts and entitlements of different individuals, the deserts primarily under the

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criminal law and the entitlements under the civil.

Rawls derives his fundamental principles of social justice from a hypothetical social contract. Although he claims that “throughout the choice between a private-property economy and socialism is left open,” the hypothetical contracting parties who, “in the original position,” are to make the hypothetical social contract are nevertheless tacitly required to assume the ultimately collective ownership of all wealth and income. We are told, “For simplicity they are required to assume that the chief primary goods *at the disposition of society* are rights and liberties, powers and opportunities, *income and wealth*” (emphasis added). They are to assume, that is to say, that everybody’s income and wealth are “at the disposition of” that hypostatized collectivity, society; altogether uninhibited, it seems, by any morally legitimate prior property claims.

Readers ought to be astonished to confront this assumption of the collective ownership of all wealth and income. They should be further flabbergasted to discover that, in explaining “The Main Idea of the Theory,” Rawls asserts:

Once we decide to look for a *conception of justice* that nullifies the accidents of natural endowment and the contingencies of social circumstances as counters in the quest for political and economic advantage, we are led to these principles. *They express the result of leaving aside those aspects of the social world that seem arbitrary from a moral point of view* [emphasis added].

Certainly, if all possible grounds for any differences in deserts and entitlements are thus to be dismissed as morally irrelevant, then it does indeed become obvious that everyone’s deserts and entitlements must be equal. For it is precisely and only upon what individuals severally and individually have become and now are, as the result of their different genetic endowments and their different previous experiences and activities, that all their several and often very different present deserts and entitlements must be based.

It is, for instance, only and precisely because one particular individual has justly acquired more property than another that their property rights, their property entitlements, have become unequal. Again, it is because one individual has committed a crime and another has not that their just deserts necessarily become unequal. It is monstrous to dismiss such facts as irrelevant on the grounds that they are “arbitrary from a moral point of view.” A conception of justice which demands this dismissal is not justice at all. “Social” justice is no more justice than “people’s” democracy is, or was, democracy.

Rawls regularly describes his conception of social justice as “justice as fairness.” “Fairness as justice” would be a more apt description. For suppose that we were charged with making a fair distribution of some collection of goods among some particular set of people. The presumption, albeit a defensible presumption, surely is that a fair distribution would be the one which gave equal shares to all its members. But the only necessary connection between equality and justice is that the rules of justice, like all rules, apply equally to all the cases which satisfy their terms.

Since many speak of equality and social justice as if these conceptions are necessarily connected if not logically equivalent, we should not be surprised to find that Rawls—who confesses, with engaging frankness, that “We want to define the

original position so that we get the desired solution”—believes that the hypothetical beings making the original contract cannot but “acknowledge as the first principle of justice one requiring an equal distribution. Indeed, this principle is so obvious that we would expect it to occur to anyone immediately.”

It is a pity that Rawls seems never to have noticed Aristotle’s treatment of “distributive justice.” Aristotle does not, of course, assume that everything is available for distribution or redistribution. He does start by saying, “If then the unjust is the unequal, the just is the equal—a view that commends itself to all without proof.” But then he goes on at once to argue that “if the persons are not equal they will not have equal shares.” So Aristotle’s actual conclusion was not a substantial practical prescription but a purely formal principle.

The objection that “social” justice is not a kind of justice is often countered either by urging that the world would be a better place if the distribution of income and wealth were different from what it actually is or by protesting that this objection is at best trivially verbal. It is easy to argue with the first of these contentions. In my personal ideal world, for instance, successful pop stars would not be voted to become millionaires by the purchases made by everyone’s teenage children. But this is simply irrelevant. For it is one thing to *justify* some sort of proceeding—that is, to show it to be desirable or excusable or in some other way preferable to the available alternatives—but it is quite another thing to *justicize* it, to show it to be not merely “socially” just but plain, old-fashioned just.

To understand why the issue is most emphatically not trivially verbal, it is sufficient to ask and answer the question of why people are so keen to maintain that their actions or policies are indeed (socially) just. It is, of course, because they want to arrogate to these actions or policies the psychological associations which are presently linked with, and the logical implications which are presently carried by, employments of the word “just.” Understandably, they want to see themselves, and to be seen by others, as occupying the moral high ground, and to condemn their political opponents as insensitive and unjust people.

Perhaps even more importantly, though this is rarely recognized, those who share the socialist ideals of “social” justice need to equip themselves with what, if only it were true, would constitute a decisive answer to an otherwise properly embarrassing question: “By what right are you proposing to deploy the forceful machinery of the state in order to impose upon all concerned your own personal or party vision of an ideal society?” For justice is not an expression of individual or group preferences; it is not an individual or party vision of an ideal society. To appeal to justice is to appeal to a standard logically independent of all individual and collective interests or preferences. That is why everyone has to allow that what is prescribed by (moral) justice may properly, though not always prudently, be enforced by law. For justice—justice without prefix or suffix—is the basic, minimum, essential virtue. As Adam Smith put it in his other masterpiece, *The Theory of Moral Sentiments*:

The man who barely abstains from violating either the person, or the estate, or the reputation of his neighbours, has, surely, little positive merit. He fulfills, however, all the rules of what is peculiarly called justice, *and does everything which his equals can with propriety force him to do, or which they can punish him for not doing* [emphasis added].

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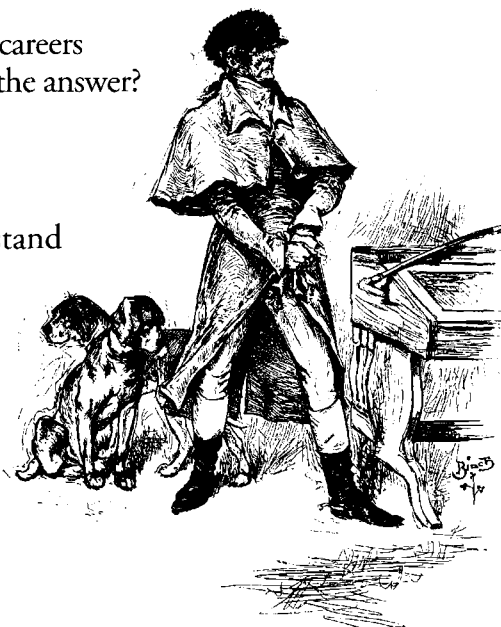
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CHRONICLES INTELLIGENCE ASSESSMENT

Kosovo and the Albanian Drug Trade

by Marko Lopusina

As I write this at the end of April, the NATO bombing of Yugoslavia is in its fourth week. Albania—predictably—has been turned into a NATO base, and the Kosovo Liberation Army is openly recruiting volunteers in NATO countries, including the United States, where both U.S.-born Albanians and Albanian resident aliens are allowed to join the ranks of an armed movement that meets all the standards of a terrorist organization. In late 1998, the *New York Times* reported that Kosovo Albanians in America—with the approval of the U.S. State Department—were collecting money to purchase arms for the terrorists. (This activity is not banned by federal law as long as the State Department does not list the KLA as a terrorist organization.) The Albanians coordinating the fundraising acknowledged that they had collected the fantastic sum of \$100 million from Kosovo Albanians in New York, Detroit, Chicago, and Boston. The transportation of arms to Albania was also coordinated from the United States.

The State Department's decision *not* to include the KLA on its list of terrorist organizations makes a mockery of international justice. While the Clinton administration knows that the KLA is receiving arms from Iran, has ties to Osama bin Laden, and is deeply involved in the international drug trade, these facts have been kept from the general public. The sporadic voices of former American officials who caution against arming the KLA are drowned out by the battle cries of the administration.

The decision by the corporate media in the United States not to expose the KLA's involvement in the international drug trade appears to be as politically motivated as the efforts of the State Department to portray the KLA as freedom fighters. Unlike their counterparts in the United States, European journalists have reported on the sources that finance the KLA. Large numbers of Albanians from Kosmet (Kosovo and Metohija)—who have falsely claimed the right to asylum in Germany, Switzerland, Sweden, and Belgium—are raising funds through arms smuggling, drug trafficking, and prostitution. According to the *Corriere della sera* (March 6, 1998), Albanians from Kosovo who live in Switzerland, Germany, and the United States are involved in a variety of illegal activities, especially drug smuggling, and they use a portion of their profits to finance terrorist activities.

The latest police action against the Kosovo mafia, made public after almost a year of investigation, occurred in Milan.

Marko Lopusina, a Belgrade-based journalist who has covered international, Balkan, and Yugoslav politics for over 20 years, is the author of, among others, The Black Book: Censorship in Yugoslavia, 1945-1991. His new book, Wars, Lies, and Videotapes: The CIA and the News Media Against Yugoslavia, will appear later this year.

Italian newspapers reported in early January that the heroin market in Lombardy is controlled entirely by Kosovo Albanians who do not even bother to launder their money in Italy but transfer it directly to Kosmet and to Switzerland to finance the KLA. After police in Milan held a press conference to expose the Kosovo Albanians' criminal organization, Rome's *La Repubblica* ran the headline (January 19): "Heroin Sold in Milan Serves to Finance Kosovo Liberation Army."

The latest discovery in Italy is just a drop in the ocean. Albanian organized crime rules the streets of Geneva, and in Hungary, the head of the narcotics division of the Hungarian police, György Hollós, estimates that Albanian criminals control 80 percent of the heroin market. The Hungarian newspaper *Magyar Hirlap* reported on November 15, 1997, that Albanians from Kosmet control almost the entire heroin market in Hungary and send part of their profits to separatists fighting for a "Greater Albania." The same is true in the Czech Republic, where police last year broke an Albanian drug gang, arresting 16 people who were hiding 40,000 doses of heroin worth some 300,000 *deutsche marks* (DM).

When, after a recent bust in Prague, a Yugoslav Albanian was captured with ten kilograms of smuggled heroin in his car, the Yugoslav public was not surprised either by the swift action of the Czech police or by the ethnicity of the captured smuggler. Only the quantity seemed odd, since the Kosovo Albanian couriers who take drugs from Turkey to Europe and America used to smuggle slightly over three kilos of heroin per person. The war in Kosovo has apparently led the Albanian underground to increase heroin deliveries from the Middle East to the Western drug market. According to the Swiss and the French press, since the Colombian cartel entered the Old Continent in 1997 with drugs of higher quality and lower prices, Kosovo Albanian drug dealers have been forced to lower heroin prices, which has increased consumption of their "white powder."

The Czechs first had troubles with the Kosovo Albanian mafia in 1992, when Yugoslavs (mostly from Kosovo) began to immigrate. That year, as many as 20,000 illegal immigrants were stopped at the border. The police confiscated 50 kilos of heroin and arrested 35 people in one bust alone—four Czechs and 31 Kosovo Albanians. The Czech police had dismantled a gang from Kosmet and their network of dealers, all of whom lived in Prague. One of them, Sali Bakija, had been pursued for an entire year by the Czech police in an operation called "Andromeda."

In July 1996, Czech police arrested another group of Balkan drug dealers. The "Sirius" operation resulted in the capture of three Kosovo Albanians and approximately 100 kilos of heroin worth half a million Czech crowns. One of the three, Ramiz Sadiku, was born in Kosovo in 1953, and the other two,

Mehmet Dzevat and Sali Recica, were also born in Yugoslavia in the late 1960's. There are about 50,000 former Yugoslavs in the Czech Republic today; half of them are Albanians serving as accomplices to the Albanian mafia and drug dealers.

Albanians and Kosovo Albanians, together with their fellow nationals from Turkey, have been involved in drug smuggling for over 30 years. The Albanians started as couriers for the Turkish and Bulgarian state mafias, who smuggled drugs to fund secret political, military, and intelligence operations. The majority were recruited from the "Kosovo triangle" (the cities of Vëliki Tirovac, Presevo, and Gnjilane), one of the black spots on Interpol's map of world drug routes.

As Allen Labrousse, a French expert on drug smuggling, told the *Washington Post* last year:

Powerful Turkish clans, who used to control [the] European heroin market, found out that, over the past ten years, their terrain had been infringed upon by Russian, Caucasian, and Albanian drug Mafia looking for their share of the market and profit. The Kosovar Albanians have grown so strong that they have control over seventy percent of the drug market in Switzerland only. At this moment, at least 2,000 Kosovar Albanians are in jails in this country for drug dealing. The war in the Balkans disrupted former Yugoslav channels for drug smuggling from the Middle East to the Old Continent; over the last four years, however, nimble Kosovo Albanians opened new distribution centers and new passages to the West. The Albanian connection represents the heroin route that causes most problems to European states and their police forces.

Today, there are about 500,000 Kosovo Albanians in Europe. This base has strengthened the Albanian drug mafia in two important ways. The first is the accumulation of capital through trafficking in drugs and weapons and through other criminal activities, such as car theft. The second is the organization of Albanians from Kosmet, Macedonia, Albania, and Turkey into a single drug trust headquartered in New York, with branches in Chicago, Tirana, Skopje, Istanbul, Pristina, Sofia, Prague, Budapest, Moscow, Frankfurt, Zurich, and Brussels.

György Hollós, head of the narcotics division of the Hungarian police, said recently that

About 20 tons of heroin destined for Germany arrives from the Far East to our border. Last year, we seized 812 kilos of this drug, which is twice as much as . . . in previous years. Greater quantities of drugs are smuggled in trucks arriving from many countries with . . . international markings, which guarantees the protection of this cargo from our customs and police inspection. Unless we change our regulations, we cannot cut this heroin channel, which is coordinated by three gangs in Budapest. The biggest is the Turkish-Hungarian gang; the Hungarian-Kosovo Albanian gang is also strong, while the Hungarian-Arabic is the weakest.

In Istanbul, DM 50,000 buys a kilogram of 90 percent pure heroin. In the spring of 1996, customs officers at the Kapetan Andreevo crossing on the border between Turkey and Bulgaria arrested Osman Haliti, Fatmir Haliti, and Rehmar Kelemendi (all of Kosovo), who were transporting 320 liters of anhydrous

acid for heroin production. During questioning, all three admitted that they were working as couriers for "Bojci," a secret group of Bulgarian drug dealers.

According to Interpol, the drug route from Southeast Asia to consumer markets in Western Europe passes through Afghanistan, Pakistan, Iran, and finally Turkey, where the raw drugs are refined. Interpol estimates that about 90 percent of heroin seized in Europe comes from Turkey, by way of Bulgaria and Macedonia. As a result of the wars in the former Yugoslavia, the "Balkan route" forked into two—a northern one, through Bulgaria, Rumania, and Macedonia; and a southern one, through Greece, Macedonia, and Albania.

For poor Albanians, drug smuggling is a way out of poverty. Last year, a 12-year-old Albanian boy was arrested in southern Italy, in the port of Bari, with five kilos of hashish in his knapsack. He told police that he wanted to settle in Italy and that he had been ordered to smuggle the drugs in exchange for passage from the Albanian port of Valone.

After three years of drug trafficking in Switzerland, 25-year-old Artan Hodza became a rich man. "I was transporting heroin from Istanbul, via Skopje, to Zurich," says Hodza. Once, the drug was in a gas tank; another time, two young Norwegian girls diverted customs officers. Artan and his twin brother, Arben, used to earn as much as DM 10,000 a month in Switzerland. Back in Albania, Hodza was earning less than DM 100 a month. His drug earnings have allowed him to build a luxurious house in Sijak, a town of 11,000 halfway between the ports of Drac and Tirana. The house, which cost DM 200,000 and features a swimming pool and Italian furniture, is one of 700 new estates in a town where three factories have closed.

In 1993, Interpol arrested about a hundred Kosovo Albanians involved in the international drug trade. Nearly 50 were detained in Germany and approximately 20 in Switzerland. Italy also arrested about 20 Kosovo Albanian smugglers. The same year, eight European countries worked together to break up the "Benjamin" smuggling ring. Another 330 dealers were arrested, and approximately 250 kilos of heroin was seized.

Long before the Bosnian war broke out, Yugoslavia warned Interpol and the United Nations that the Kosovo Albanian mafia was spreading across the world. As early as 1988, the Yugoslav government sent information to the United Nations about 5,000 Albanians in Kosovo who were involved in heroin smuggling in Europe. That same year, 55 Kosovo Albanian drug dealers were arrested in Yugoslavia. The Yugoslav government's warnings were met with silence from the United Nations and Interpol.

Recently, however, Germany, Denmark, Sweden, Switzerland, and Italy have all announced plans to deport Albanian offenders. Under pressure from citizens upset over increasing troubles with Albanians, who have filled Swiss prisons, the Bern government has decided to revoke the political asylum of many Albanians and return them to Yugoslavia. Since most of them do not have Yugoslav papers, however, Belgrade does not want to accept them. Switzerland is attempting to deport 153 Albanians, and Belgium, Austria, and even the United States may follow suit. A quick glance at the situation in a few countries will indicate why.

In Switzerland, the Kosovo Albanian mafia is led by Sami Sabedini, better known by his nickname, "Baron." The 40-year-old owner of the Plaus Café in Zurich was a major supplier of drugs to Switzerland. The Swiss police shadowed Sabedi-

ni for a year and secretly recorded some 6,000 of his "business" conversations. He was apprehended in the spring of 1995, sentenced to 17 years in prison, and sent to the Regensburg jail. While being transferred to Bern for a second trial in January 1996, Sabedini escaped from the train. The Swiss suspect that he now lives in the Czech Republic and controls the distribution of drugs to the Zurich market from there.

Swiss police estimate that Kosovo Albanians bring in 500 kilograms of heroin per month. Zurich alone has 5,000 hard drug addicts, and the state recently bought 500 kilograms of heroin for use in rehabilitation. There are about 250,000 Albanians in Switzerland (about 150,000 from Kosovo); in addition to the drug trade, many of them are involved in illegal work, theft, and begging.

In 1995, a series of police raids and court trials in France revealed the involvement of Albanian gangs in organized crime of all kinds, from heroin smuggling to child prostitution. Early this year, members of an Albanian drug gang were arrested in Kemper, in western France, after police discovered a network of illegal activities covering all of Brittany. Their leader, 30-year-old Arben Korba, was sentenced to eight years in prison. Korba commanded 16 Albanians who were smuggling cars from Germany and taking heroin to Kemper and other French cities. "Korba has a typical file," the police told me. "He arrived in 1990 and was registered as a political refugee. However, later on he got involved in crime."

In 1994, the Geopolitical Drug Observatory, a group headquartered in Paris, reported that one armed group, known as the Albanian Resistance Movement and National Liberation Front, trades in heroin in order to buy weapons and fund the separatist cause in Kosovo. The French found strong indications that, as early as ten years before, the entire business of drug smuggling had been organized by the chiefs of the Albanian secret service, who control the Albanian underground even today. The Observatory recommended that Albanian criminals be deported.

Judging by police reports, Germany may have the most trouble with Yugoslav offenders, particularly with Albanians. The Germans used to grant them political asylum; now, they want to expel them. German Police Minister Manfred Janter says that one of every ten criminals arrested in Germany comes from the former Yugoslavia. Last summer, about 40 criminals were arrested in Westphalia and Lower Saxony, most of them from Yugoslavia. The Buckbach prison near Frankfurt houses 530 inmates, 27 of them Yugoslavs. According to the Kosmet weekly *Zeri*, as many as 1,200 Albanians are on the list of dangerous criminals in Germany. The Frankfurt police have a separate department for fighting Yugoslav criminals. Joseph Schutse, director of the Frankfurt prison, said that, "Thirty years ago, Turks were the first who started 'doing' drugs. Albanians got involved later on, and, over the past five years, Serbs are doing it sporadically. The Kosovo network is fairly strong and is expanding all the time." He added that:

The chief of [the] Albanian drug mafia in Frankfurt was Iso Azemaj, an Albanian from Kosovo. We captured him in 1995, sentenced him to life in prison for smuggling and murder, but he managed to escape during his transportation to [a] prison hospital. . . . He is now hiding in Portugal. We expect the Portuguese to extradite him to us one day, since he had fired at a police officer.

In North America, Kosovo Albanians form one of the stronger links in the Colombian chain of drug distribution. They are active in New York, where there are 60,000 of them, and in Chicago and Toronto. According to some estimates, they make about \$50 million a year on heroin. Milan Vujic, a Chicago policeman, told me that:

Our police have troubles with the Albanian underground, since they are close-knit and difficult to handle. U.S. policemen do not know the Albanian language; secondly, they almost cannot distinguish them from Turks and Arabs, and do not manage to infiltrate their own agents into their ranks. Albanians cover up for their business by working at restaurants registered as Greeks, Turks, Kurds, Arabs. The Kosovar Albanians are very well connected among themselves; they are obedient and disciplined . . . and ruthless in settling accounts with informants within their ranks. Their couriers for heroin distribution across the U.S. include elderly women, even children, who cannot speak English, and therefore we can hardly obtain any useful information from them during investigation. Albanians invest the profits they earned on heroin into houses and entire neighborhoods in New York and Chicago. In the Bronx, they even bought some Serbian houses in order to erect an ethnically clean suburb for themselves.

Yugoslav police have a registry of "Wanted" circulars. It is a small green book, held by all police officers at border crossings, and it includes about 1,500 names of Yugoslavs and foreigners under police supervision. Albanians are the most numerous on this list of supervised persons.

An Albanian scholar from Pristina, Dr. Kadri Bicaj, disturbed by the major role that Kosovo Albanians play in the world's drug trade, has established the Association for Fighting Drug Addiction and Drug Smuggling in Kosovo. But the dangers posed by Albanian drug smuggling are not only physical and spiritual; they are political. The Albanian underground is extensively involved in the political life of Kosmet, and a portion of Albanian drug profits returns to Kosmet as an investment into Albanian separatism. The sponsors of Albanian separatist movements also include the secret services of several major countries, who finance some of their own political activities in other countries through drug smuggling.

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For further information on the crisis in Kosovo, check out our website

The website is updated frequently; remember to bookmark it and return often.

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The crisis in Kosovo continues to illuminate the glaring gap between the quality of reporting in America and in the rest of the world. In Western Europe, in particular, the tragedy in the Balkans has come to be seen as the defining moment of our civilization and of its chances for survival in the coming century.

John Laughland, writing in the *Times* of London (April 22), identified the fundamental issue at stake in Kosovo: the leftist-internationalist conspiracy to destroy the nation-state, and thereby the very concept of *nation*:

Among the charred corpses and smoking ruins of Kosovo there lies an unreported casualty. It is not one of the hundreds of physical victims of Nato's bombs but instead a metaphysical one. In 1999 as in 1389, the Blackbird Field has witnessed the defeat of that spiritual body of values which . . . used to be known as the West. . . . [T]he war is being fought to destroy the very principles which constitute the West, namely the rule of law. Unlike in 1389 however, the enemy is not the Sultan but rather the leaders of the Western nations themselves. . . . The bombing started because Milosevic refused to allow hostile foreign troops on to Yugoslav soil. Overturning this refusal remains Nato's overriding purpose. Yet this demand is completely incompatible with the logic of a system of sovereign states, which for the past 350 years has formed the basis of Western politics, liberalism and the rule of law.

Laughland admits that state sovereignty can be overridden in certain extreme cases. But he warns that the war is being fought in order to override it in *all* cases and to remove it completely as a relevant factor in the New World Order. If the war is post-national in its aims, Laughland continues, it is also post-national in its im-

plementation. NATO is colluding with the Kosovo Liberation Army, "whose structures and goals owe very little to any political program of national liberation for Kosovo and instead a great deal to the needs of its mafia activities and extensive drug-running network." The only nation involved is Serbia, whose wholesale destruction, if not the stated aim of the war, is certainly going to be its outcome:

This is why all the war's main protagonists are old enemies of nationhood, NATO and the West. Bill Clinton, Mr. Blair, Joschka Fischer and Señor Solana form "the new generation of politicians who hail from the progressive side of politics" of which Mr. Blair boasts. Commentators have been wrong to chuckle at the apparent conversion of these one-time opponents of US power, for the truth is much worse. This war represents the most complete fulfillment of their deepest internationalist convictions. . . . Mr. Blair has even compared the four weeks of bomb attacks on Yugoslavia to the process by which "globalisation is opening up the world's financial architecture for discussion, re-evaluation and improvement". War, it seems, is now the continuation of economic integration by other means.

Writing also in the *Times* of London (April 28), Simon Jenkins provided a timely reminder that, prior to the beginning of the air campaign, American strategists had claimed that Belgrade might even welcome a few bombs, so that Slobodan Milosevic could justify a retreat from Kosovo to his countrymen. When that did not work, Clinton and Blair resorted to "morality."

Jenkins pointed out that the killing of a score of technicians working for Belgrade television came after specific assurances from NATO spokesman Jamie Shea that the station was not a target. NATO's post-bombing spin was that the technicians

were "legitimate targets" since the station had refused NATO's demand that it broadcast six hours of "Western programs" in place of its own propaganda. By no definition of war were these civilians classifiable as combatants. Yet they were treated by NATO's targeters as the equivalent of spies, executed without trial.

More than 350 European writers, artists, and intellectuals—including Aleksandr Solzhenitsyn, Harold Pinter, Peter Handke, Mikis Theodorakis, Jean Raspail, and Jacques Laurent—signed a petition published in Germany, France, and other countries, and ignored by the American media:

for the first time since 1945 a European sovereign state is being bombed by a military alliance under American command, with total contempt for the rules of international law and in breach of the UN Charter. NATO's aggression against Serbia is unacceptable and will only worsen the conflicts it is supposed to resolve. The victims of the bombing are the Serbian and Albanian people, whom NATO's sorcerer's apprentices are pretending to help.

Solzhenitsyn expanded on this theme in the *Moscow Times*, an English-language daily, on April 29. He compared the Atlantic alliance to Hitler, and denounced justifications for the air campaign as hypocritical. "It was such good luck—the Serbs are a defenseless target," Solzhenitsyn told Russian television, calling the attack a self-serving show of strength. NATO "can show its beak and talons."

While some may dismiss the Russian Nobel Prize laureate as an inveterate Russian nationalist, a similar voice has arisen from one of NATO's new members. George Konrad, Hungary's preeminent writer, published an op-ed article on April 3 that reflected the feeling in Budapest:

We Hungarians entered NATO on March 12. Less than two weeks later, as NATO members, we pro-

vided free air lanes for military planes to Yugoslavia, and now we must identify ourselves with a war against a neighboring country. I was in favor of Hungary joining NATO, and I'm glad NATO will protect us against external enemies . . . Two years ago, hundreds of thousands demonstrated against Milosevic in Belgrade's Republic Square, demanding lawful, pluralist democracy. I was invited to speak to the students and was surrounded by intelligent, enthusiastic faces and clever slogans on billboards. Today, in this same square, perhaps the same people are demonstrating against NATO aggression.

Konrad stated that the West's actions in Yugoslavia reflect "not merely the arrogance of power but a fundamental misunderstanding of the Balkans":

[T]he West was glad to see Yugoslavia cut into parts. It forgot that the collapse of a federal state with its restraining framework would make ethnicity the chief principle of orientation for individuals. On land where the population is mixed, however, the principle turns neighbors who have lived together in peace into enemies. As separatism was legitimized, recognized, even guaranteed by the international community, newly independent member republics began working with all their strength on the ethnic homogenization of their own national consciousness, forging it through blood relations and strengthening it with religion. . . . they began to feel that members of other ethnicities were foreign bodies in the new nation. "Ethnic cleansing" originated from this furor of self-homogenization.

Outside Europe—notably in the two most populous countries of the world, India and China—similar sentiments abound. The *Times of India*, the eminently secular voice of India's political establishment, published a long editorial on April 29 that accurately reflected the alarm in Delhi:

As the North Atlantic Treaty Or-

ganisation enters the 51st year of its existence, the alliance is in danger of becoming the next century's 'sick man of Europe', more a source of instability and conflict on the continent than a beacon of peace and tranquillity. So far has NATO drifted from its original stated aim of collective self-defence that the rest of the world has genuine reason to fear its future direction. The callousness displayed towards civilian lives in Yugoslavia, the Orwellian language used to justify this, and the deliberate bombing of Serbian TV stations in an attempt to censor the broadcast of scenes of destruction caused by 'smart bombs' also raise disturbing questions about the robustness of the organisation's democratic credentials.

The view from Peking was summarized by Yang Dazhou, a senior fellow at the U.S. Institute, Chinese Academy of Social Sciences. In an article in *Asiaweek* (April 30), he argued that "the North Atlantic Treaty Organization is waging wholly unjustified war against Yugoslavia":

The pretext for NATO's action was to "prevent a humanitarian disaster from occurring in Kosovo." But before the bombings, there was no humanitarian disaster in terms of a refugee outflow. The disaster was caused by NATO. Its leaders mistakenly believe that modern weapons can solve everything. By now war fever has set in and nothing will stop the NATO machine. It will not allow a Serbian-Kosovar dialogue. (As for the suppression of the Kosovo Liberation Army, this is legitimate. Let me ask: What about Britain's attacks against the Irish Republican Army?)

An English-language publication based in Moscow, the fortnightly *Exile*, published a long-overdue feature on the mysterious career of William Walker, the American diplomat whose actions have materially contributed to the war ("Meet Mister Massacre," April 22):

[I]f William Walker is not a CIA agent, he's done a very bad job

of not looking like one. Judge for yourself: Walker spent most of his long career in the foreign service in Central and South America, including a highly controversial posting as Deputy Chief of Mission in Honduras in the early 1980s, exactly the time and place where the Contra rebel force was formed.

In 1985, Walker was promoted to the post of deputy assistant secretary of state for Central America. This promotion made him a special assistant to Assistant Secretary of State Elliott Abrams, a figure whose name would soon be making its way into the headlines in connection with the Iran-Contra affair:

According to information contained in Independent Counsel Lawrence Walsh's lengthy indictment of Abrams and Oliver North, Walker was responsible for setting up a phony humanitarian operation at an airbase in Ilopango, El Salvador. This shell organization was used to funnel guns, ammunition and supplies to the Contra rebels . . . Despite having been named in Walsh's indictment (although he was never charged himself) and outed in the international press as a gunrunner, Walker's diplomatic career did not . . . take a turn for the worse. . . . [I]t kept on advancing. In 1988, he was named ambassador to El Salvador, a state which at the time was still in the grip of U.S.-sponsored state terror.

The authors contrast Walker's current posture of moral disgust toward Serbian "ethnic cleansing" with "the almost comically callous indifference he consistently exhibited toward exactly the same kinds of hate crimes while serving in El Salvador":

In late 1989, when Salvadoran soldiers executed six Jesuit priests, their housekeeper, and her 15-year-old daughter, blowing their heads off with shotguns, Walker scarcely batted an eyelid. When asked at a press conference about evidence linking the killings to the Salvadoran High Command, he went out of his way

to apologize for chief of staff Rene Emilio Ponce, dismissing the murders as a sort of forgivable corporate glitch, like running out of Xerox toner. "Management control problems can exist in these kinds of situations," he said.

Discussing the wider problem of state violence and repression in El Salvador, Walker was remarkably circumspect. "I'm not condoning it, but in times like this of great emotion and great anger, things like this happen," he said. In what may be the most amazing statement of all, given his current occupation, Walker questioned the ability of any person or organization to assign blame in such cases:

Shrugging off news of eyewitness reports that the Jesuit murders had been committed by men in Salvadoran army uniforms, Walker told Massachusetts congressman Joe Moakley that "anyone can get uniforms. The fact that they were dressed in military uniforms was not proof that they were military." Later, Walker would recommend to Secretary of State James Baker that the United States "not jeopardize" its relationship with El Salvador by investigating "past deaths, however heinous."

This, coming from a man who would later recommend that the United States go to war over "heinous deaths." In 1996, Walker hosted a ceremony in Washington in honor of 5,000 American soldiers who fought secretly in El Salvador. While Walker was ambassador to El Salvador, the U.S. government's official story was that there were only 50 military advisors in the country:

Given Walker's background, he was chosen because of his proven willingness to say whatever his government wants him to say, and to keep quiet when he is told to keep quiet—about things like a gunrunning operation, or the presence of 4,950 undercover mercenaries (whose existence he regularly denied with a straight face) in the banana republic where you are Ambassador. . . . Walker's role in Racak was to assist the KLA in fabricating a

Serb massacre that could be used as an excuse for military action.

To make sense of the American ruling establishment's unstated agenda in the war against Serbia, it is as yet too early to turn to the *Weekly Standard* or the *New Republic*, but an indicator of the shape of things to come was given in an article in the *Korea Herald* on May 1. The author, Jon Huer, was described as a professor of sociology and philosophy at the University of Maryland, Asian Division, and "the author of a dozen books on American society." At the outset, Huer admitted that he was impressed by the thought of "how painfully different Americans and Serbs are from each other":

The bombing by Americans and human-shielding by Serbs are a dramatic illustration of the epic contrast that the two peoples and their societies represent. On one side is the high technology of ultimate sophistication, so logical and so rational, with little human involvement. . . . On the other side is the total disregard of logic and rationality. The military equation in the confrontation, so clearly one-sided, is cast aside by the compulsions of the heart, bitterly carved and forged by historical memories, both conscious and subconscious.

The Serbs know that they are no match for the American-led technological armada, Huer contends, and there is not even a token gesture that suggests a two-sided war. They are meeting the losses and bearing the pains of destruction: "their reasoning is completely dominated by their heart, so full of grief and bitterness." Their "primeval messages from their past are so overwhelming" that reason or calculation would have little effect on the Serbian soul. This fact contrasts "two archetype societies, one future-oriented and the other past-oriented." Americans believe in the power of technology "and all that it implies—reason, logic, practicality, solution-finding." Serbs believe "in the powers of their destiny—absolute, unyielding, powerful, and so human":

Americans are now entering a wholly different era of society and culture, one that the world has never seen before. . . . a

"Post-Human Era" where all aspects of social life are streamlined and rationalized, and all shades of human relations and nuances simplified into manageable routines and procedures. . . . In this way, there is little energy or passion that is wasted in dealing with human relations in society, now mostly done as paperwork by paid specialists like lawyers and counselors and bureaucrats. It is no wonder that the Post-Human Americans can totally, utterly concentrate their energy and ingenuity in leading the world with their technological, cultural, economic, and military superiority. This Post-Human America is light years away from Serbia, which is still in the Dark Ages for all its thoughts and actions that bear no resemblance to modernity.

Who will prevail in the long run? Huer declares his preferences:

My historical hunch is that Americans are the future prototype humans, and Serbs an atavistic holdover from a bygone era. The Post-Human America will dominate the coming century, precisely for the reason that their energy and passion are wholly devoted to the singular task of expanding information technology, elaborating popular culture, dominating economics and finances, and continuing military hegemony the world over. . . . [I]n the long run, the world belongs to the kind that is committed to extending the technological frontiers and thinking with economic calculus, not ethnic nationalism or xenophobia. It would behoove the Serbs to recognize this inevitable development of history and join up with what will be, not what was or should be.

This gem of brutal honesty indicates that Kosovo truly is the defining moment of our civilization and the test of its chances for survival in the coming century. Between the "rational post-humans" epitomized by Clinton, Albright, Berger, Cohen, and Walker, and the atavistic, irrational, oh-so "human" Serbs, we can only hope that the latter prevail.

The Vanishing Anglo-Saxon Minority

by Samuel Francis

*"The Anglo-Saxon carries self-government and self-development
with him wherever he goes."*

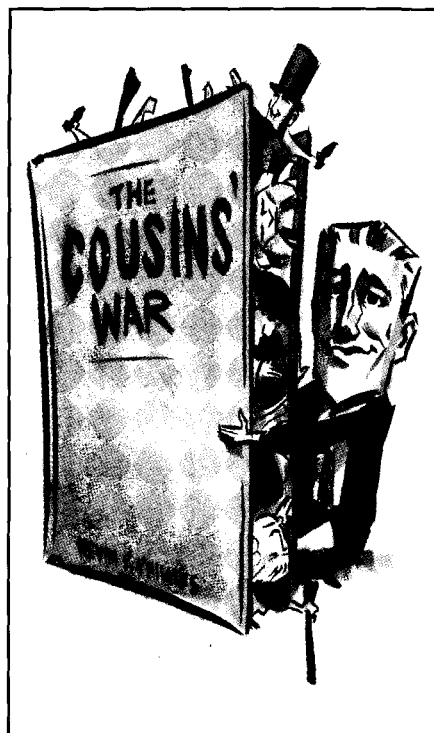
—Henry Ward Beecher

**The Cousins' Wars:
Religion, Politics, Civil Warfare,
and the Triumph of Anglo-America**
by Kevin P. Phillips
New York: Basic Books;
707 pp., \$32.50

For almost exactly 30 years, Kevin P. Phillips has been cranking out some of the most interesting and provocative works of political analysis written since World War II. In 1969, *The Emerging Republican Majority* argued that American politics runs through periodic cycles of about 30 years and that a new cycle, based demographically on the "Sunbelt" (a term he is usually credited with having coined) and expressed through the Republican Party of Richard Nixon and Ronald Reagan, was about to unfold. The prediction was somewhat derailed by the intrusion of more-or-less accidental events like Watergate and by the not-so-accidental incompetency of Republicans, who have managed to misunderstand the nature of their own constituency and have forgotten how to mobilize it. Nevertheless, the patterns Mr. Phillips perceived were essentially correct and, indeed, have been accepted as conventional political wisdom.

His other books followed similar paths, all of them having to do with contemporary political and social affairs. No one, as far as I know, ever suspected that Mr. Phillips had any other calling but that of

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Darren Gyi

a political bloodhound. Now, it turns out, what he has been writing about for the last generation is merely the icing on the much broader and deeper cake that his most recent book serves.

The Cousins' Wars has nothing to do with contemporary politics; indeed, in its sounder sections, it is reminiscent of David Hackett Fischer's *Albion's Seed* and of some of John Lukacs's excursions into American history: a vast exploration of what Mr. Phillips regards as the shared history of two different but closely related peoples, the English and the American, and how their common past shaped their eventual triumph in the last century as the dominant peoples of the earth.

The "Cousins' Wars" are the English Revolution of 1640-1660, the American War for Independence of 1775-1783, and the American Civil War of 1861-

1865. Entire libraries have been written about each one of them. That makes it all the more remarkable that Mr. Phillips was able to master so many of the details of each period, including not only the military minutiae of campaigns and battles but the ethnic, religious, economic, and demographic details of local and regional history that are the stuff of his interpretation. He occasionally makes a mistake (e.g., the wife of James I was not a Catholic, but the Lutheran Anne of Denmark), but on the whole the range of his erudition is astonishing, given his lack of an academic background (then again, perhaps because of it) in British or American history and the focus of his attention in his earlier books. Nevertheless, his interpretation remains somewhat open to question.

Phillips argues that it was

through these three wars . . . that the English-speaking world critically reshaped itself. Broadly, the result was to uphold political liberties, commercial progress, technological inventiveness, linguistic ambition, and territorial expansion.

The Anglos (for lack of a better term to describe the mainly Anglo-Saxon-descended dominant core populations of the British and American nations) achieved this reshaping because

from the seventeenth century, the English-speaking people on both continents defined themselves by wars that upheld, at least for a while, a guiding political culture of a Low Church, Calvinistic Protes-

tantism, commercially adept, militantly expansionist, and highly convinced, in Old World, New World, or both, that it represented a chosen people and a manifest destiny. In the full, three-century context, Cavaliers, aristocrats, and bishops pretty much lost and Puritans, Yankees, self-made entrepreneurs, Anglo-Saxon nationalists, and expansionists had the edge, especially in America.

Mr. Phillips may not realize it, but his interpretation is not exactly new. It is essentially a restatement of the Whig interpretation of Anglo-American history, though curiously without the Whiggery. In that view, history is working ceaselessly toward the goal of greater "liberty," and virtually every conflict, from that of the Greeks against the Persians through the Reformation, the victory over the Spanish Armada and Louis XIV, the defeat of Charles I in the 1640's and the expulsion of James II in 1688, the American Revolution, and the victory of the North in the American Civil War, reflects the larger conflict between the forces of "progress and liberty" (i.e., the guys who won) and the forces of "reaction, repression, and slavery" (i.e., the guys who lost). This view, of course, is not confined to Whigs but extends to the entire gaggle of folks now generally known as "the left" or, in non-political terms, modernists. It is a view shared by Lord Macaulay and Karl Marx, John Stuart Mill and Mao Tse-tung. Without it, there is and can be no "left," no political force that defines itself as both the morally correct as well as the inevitably victorious side of every historical conflict, and its opponents as the incarnations of immorality. That is unfortunate for the left, because the Whig view of history is quite wrong.

Mr. Phillips, of course, is not a man of the left, though a stupid review by a conservative in the *New York Times Book Review* earlier this year described him as having changed into "a muscular liberal, both protectionist and economically *dirigiste*." But Mr. Phillips is a somewhat unconventional conservative in an era that displays Jack Kemp and Arianna the Airhead as paragons of the right. Despite his apparent embrace of a leftist interpretation of history, Mr. Phillips is saved from leftism, if only because he rejects the ideologies of the left. Indeed, he seems to reject pretty much any ideology. Thus, writing of the influence of ideas on

the American Revolution, he concludes, rightly in my opinion,

it seems unwise to exaggerate colonists' preoccupation with John Locke's *Second Treatise on Government*, the justifications for revolution set forth by the Scottish "common sense" school or even the widely read columns of the *Independent Whig*.

It was not so much systematic concatenations of ideas that shaped the revolt against Britain as it was more elemental forces bubbling in the colonists' mind:

But most ordinary colonials, mulling questions of self-determination and America's future, took their outlook from a less learned framework: the "folk memory" of family and friends, Sunday sermons that compared royal counselors to pharisees and Britain to Babylon, newspaper articles and pamphlets by American dissidents, a rum-flip tavern politics critical of royal officials and far-off aristocrats, the musket-slapping bravado of local militia drills, and the republican camaraderie of groups like the Sons of Liberty.

An interpretation of the left, whether Whig, liberal, socialist, or Marxist, would have to see the triumphant forces (in this case, the American rebels) as in some way the representatives or agents of the forces of good, or of the right ideas; otherwise, victory is meaningless as a further leg of the march toward perfection that will end only when the whole planet resembles ourselves. But Mr. Phillips does not believe the triumphant forces necessarily were such representatives, nor that they triumphed because they stood for the morally right or historically inevitable ideas. In his view, what influenced them was less the workings of the rational mind with its consciously formulated ideas and principles than the facts of ethnicity and religion (to which he again and again calls attention) in the context of communities and peer groups. What eventually won might have looked like the left, but regardless of what it looked like, it won because it acted like the forces of the right.

Although Mr. Phillips displays an impressive erudition in the recent his-

toriography of the Cousins' Wars, he recapitulates a fundamental error of the Whig-leftist worldview: that each of the conflicts he is discussing can be fitted into the conventional pro-modern *versus* anti-modern dichotomy that the left peddles. In that model, for example, Charles I and the Cavaliers are anti-modern, while Parliament, the Puritans, Cromwell, and republicanism are all pro-modern. But if modern British historiography has shown anything, it is that this simple dichotomy is far too simple. Charles I and his court were in fact in the forefront of European art, fashion, letters, science, and religion; the Puritans, in many respects, were backward-looking, invoking a medieval economic ethic and a paternalistic political code that is entirely at odds with Max Weber's view of the relationship between Protestantism and capitalism (a view that Phillips endorses). Moreover, as Marxist historian Christopher Hill showed in his book *The World Turned Upside Down*, the English Revolution contained a powerful edge of irrationalism and outright madness, as revealed in the flourishing of occultism, bizarre religious movements, and social and political inversion having little to do with the rationality and progress usually associated with modernism.

Much the same is true of James II, whose expulsion in 1688 Phillips also sees as continuous with the triumph of modernity. The Catholic James, so far from seeking to reverse the Protestant Reformation, can more realistically be seen as one of the first of the "enlightened despots" of the 18th century in his promotion of religious toleration, and certainly what he and his brother Charles II did politically can be seen as an anticipation of the modern state rather than as a reaction toward personal autocracy. The point is that, whether you think modernism is a good thing or a bad one, spawners of it can be found on both sides of the Cousins' Wars and, indeed, on all sides of every conflict. The idea of the conflict between modernism and anti-modernism, if it is meaningful at all, is largely an artifact of the leftist mind, which invented it to demonize those who opposed the "progress" with which the left sought to identify itself and its agenda. Every time the dichotomy of modern *versus* anti-modern is examined closely, however, it begins to fall apart.

Mr. Phillips may not be a "muscular liberal," but he has, probably unconsciously, swallowed this dichotomy

whole, and also the interpretative model of the left that goes with it. As a result, each of the Cousins' Wars, in his analysis, tends to be the same war over and over again, like *Twilight Zone* reruns. To a large extent, this is the result of historical coincidence: The Puritans of East Anglia were the leading forces against the crown in the English Revolution of the 1640's, and their descendants in New England tended to assume the same role against the Southern states 200 years later, while the South itself—*Southerners from Virginia*, at least—liked to identify with the Cavaliers (though a good many Confederates from other parts of the region either ignored or more or less consciously rejected that identification). Mr. Phillips devotes a fair amount of space to discussing New England Protestant theological beliefs that fed the crusade against slavery, but he tends to neglect Southern religion. That is just as well, since Southern religion in that era was often equally reflective of the "Low Church, Calvinistic Protestantism" that

supposedly animated the North.

In short, for all its erudition, *The Cousins' Wars* still manages to compress into a preconceived and historically unreliable mold historical realities that just do not fit. Moreover, Mr. Phillips argues that it is precisely because the side that won did win that the Anglos triumphed. Had the High Church monarchism of Charles I or the slave economy of the feudalistic and deferential South won, then the Anglo-Saxon peoples would not have prospered in wealth and power in this century quite as much as they have.

Mr. Phillips may be right about that, but again he may also be the victim of his own historical myopia. Had the side that won not won, then the values and ideals it was promulgating would not have been dominant in the Western world, and there would be few today who would be defending them as morally correct and historically inevitable. Mr. Phillips also has little to say about the future that the victory of certain ideas has opened for the Anglos. If the 20th century has been the

Anglo century, and the Anglos have been driven by the kind of modernism that Mr. Phillips sees triumphing in the 1640's, 1780's, and 1860's, then these same forces might reasonably be held responsible for the incipient disappearance of the Anglo-Saxon peoples within the borders of the very lands their ancestors conquered and settled. In the short run, the kind of modernism Mr. Phillips ascribes to the victors in the Cousins' Wars may conquer new countries, develop new sources of wealth, and spread liberty as far as it can reach, but its very success may also lead to its own destruction as the liberty it sows poisons the soil of its own civilization, the wealth it produces corrupts, and the conquered give laws to the conquerors. Whatever Mr. Phillips' modernism may have done for Anglos in the past, unless they have the wit and the will to modify it soon, the civilization their forebears created will soon go the way of Mr. Phillips' shrinking Republican majority.

◀◀

In Memory of One of the Better Ones

by Richard Moore

He launched his presidential bid
on a strange whim:
to see if the whole Country'd get as sick of him
as Georgia did.

He won, and down the Country slid
with Godly Jim,
his judgments catastrophic, his perceptions dim.
God, to be rid . . .

but friends, it wasn't right to shed
our leader thus—
there on our boil of state, our head,

our crown of pus,
that yellow corn pone eater, that voice, toneless, dead—
him? No, friends, us.

Christianity and Slavery in the Old South

by H. Arthur Scott Trask

"Slavery is as ancient as war, and war as human nature."

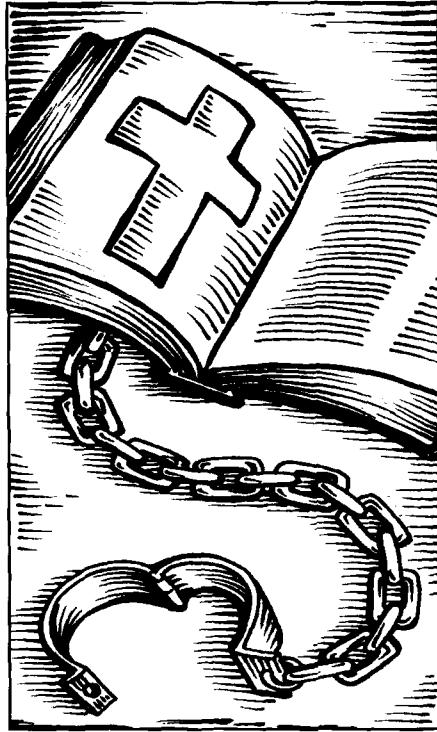
—Voltaire

**A Consuming Fire:
The Fall of the Confederacy in the
Mind of the White Christian South**
by Eugene D. Genovese
Athens, GA: University of Georgia Press;
169 pp., \$24.95

Americans, with their strong tendency to externalize the evil within them and to project it onto others, have been waging crusades to extirpate or crush one kind of evil or another for almost 200 years now. The Pelagian belief in man's natural innocence and capacity for perfection was the root of many heretical movements which swept the northern United States in the post-revolutionary period and the foundation of a host of religions from Finneyite Christianity to Transcendentalism and Mormonism, and it is still the core of the institutionalized leftism of the American academy.

The work of Eugene Genovese is a powerful rebuke to the Pelagian worldview of American historians, particularly as manifested in their treatment of the American South. Genovese is a former Marxist whose political philosophy has become more and more conservative in a Burkean sense, and who recently re-

H. Arthur Scott Trask recently received his Ph.D. from the University of South Carolina. He is currently writing a book on Pelagianism, antinomianism, and pantheism in Northern culture.



turned to the Catholic Church of his ancestors. He is a meticulous, thorough, insightful, and fair-minded scholar whose work on both the black and white South is among the best in his field; his early work on the Southern slave system was brilliant and continues to set the standard for the subject. *Roll, Jordan, Roll: The World the Slaves Made* (1974) remains required reading for those wishing to penetrate beyond the caricatures of the slave system presented in such works of fiction as *Uncle Tom's Cabin* and Alex Haley's *Roots*.

In the second half of his career, Genovese turned his historical attention to the thought and ideals of the Southern slaveholding class and their political and theological allies. His forthcoming volume, *The Mind of the Master Class*, promises to be an impressive work of American history. In the meantime, he

has produced three slim volumes of recent lectures that offer an introduction to his investigation of a neglected but important and rich body of thought. The first volume, *The Slaveholders' Dilemma*, was published in 1992; the second, *The Southern Tradition*, came out in 1994; and the present volume, *A Consuming Fire*, in 1999.

Almost all American historians present Southern history as nothing more than a dismal story of the long oppression of blacks by whites, interrupted by a brief and unsuccessful white rebellion against the Union, followed by the uplifting story of black resistance to their oppressors and their salvation at the hands of the federal government under Kennedy and Johnson. While Genovese holds no brief for either slavery or segregation (he considers them "enormities"), he despises the lazy leftist historians who treat the history of the South as a simplistic moral drama in which good finally triumphs over evil. As Genovese himself complained in a 1992 speech at the University of South Carolina, Southern youth "are being taught to forget their forebears or to remember them with shame"; "too often, [Southern] history is now taught, when it is taught at all, as a prolonged guilt-trip—a prologue to the history of Nazi Germany." He denounced this practice as "a cultural and political atrocity—a successful campaign to strip Southern youth of their heritage, and, therefore, their identity."

Genovese is no blind apologist for the South, nor does he suggest that the histo-

rian should gloss over past injustices. Yet, despite what he regards as the white South's "tragic commitment to slavery and racism," he is willing to praise "Davis and Stephens, Calhoun and Thornwell, Lee and Stonewall Jackson" as "great men." He has insisted that the best minds of the Old South in the fields of political economy and political science, constitutional theory, Christian theology, and historical studies "deserve to be ranked among America's ablest thinkers," and he has consistently maintained that their work, along with that of their successors, forms an intellectually coherent and sophisticated cultural tradition that "constitutes America's most impressive native-born critique of our national development, and, indeed, of the more disquieting features of the modern world."

But while Genovese has been a thorn in the side of a pedantic and self-assured liberalism for years now, he has not failed to trim the sails of Southern nationalists who want to ignore the place of slavery in the Old South. He writes:

The Confederacy may have come into being as a bastion of constitutionalism, states' rights, and traditional values, as its originators and many others since have claimed with considerable justification, but it also came into being as a slaveholding republic.

While pointing to the obvious truth that slavery formed the basis of the Southern socioeconomic order, Genovese has gone on to note that Southerners themselves claimed that their system of organic social relations was superior to the free labor system of the North. In Southern eyes, the Northern system promoted a socially destructive radical individualism, rewarded materialism and greed, and was hostile to Christian principles, while some form of bound labor resolved the threatening "social question," buttressed social order, created harmonious class relations, preserved a necessary social hierarchy, and created a more favorable environment for Christian principles and the spread of the Gospel.

A *Consuming Fire* examines two questions that Southern Christians grappled with as soon as it became apparent that they would lose the war and that continue to bother the historically knowledgeable among them to this day. First,

why did God allow the Northern states, filled as they were with infidelity, heresy, and Mammon-worship, to defeat the largely orthodox Christian South? As Genovese documents, from the beginning of the war, Southern pastors, lay civilians, and soldiers were confident of two things: first, that they would defeat the Northern armies and gain their independence; second, that God Almighty was on their side. Even up until the last year of the war, most continued to hope that God would deliver them victory. When defeat did come, Southerners were spiritually shaken. Nevertheless, few abandoned their faith in the Lord, and many actually emerged with a faith strengthened and deepened by the crushing of their earthly hopes. Genovese credits the pastors for subtly warning their congregations, after the first serious military reverses in 1862, that God does not always guarantee victory in war to the cause of right and that He often uses heathen, heretics, and pagans to discipline His people.

The traditional answer to the question of why God decreed a Northern victory is that He was punishing Southerners for owning slaves. But as Genovese demonstrates, Southern Christians had sound biblical reasons for rejecting this explanation in the postbellum era, for they knew that the Bible neither explicitly nor implicitly declares slavery *per se* to be sinful; on the contrary, it sanctions the custom, provided that certain conditions are met. Genovese writes:

The Southern divines, relying on the Word, forged a strong scriptural case. They cited the Old Testament to show that the Israelites, including Abraham and other favored patriarchs, held slaves without drawing God's censure. They cited the New Testament to demonstrate that neither Jesus nor the apostles ever preached against slavery and that, while Jesus drove the money changers from the temple, He never drove the slaveholders from His church.

However, he does not let the matter rest there. He argues that slavery as practiced in the South "fell well short of biblical standards," that Southern Christians knew this at the time but failed to enact the necessary reforms, and that therefore God punished them by defeating them in war and taking away those whom God

had entrusted to their care. Genovese takes the title of his book from Deuteronomy 4:23-24: "Take heed unto yourselves, lest ye forget the covenant of the Lord your God, which he made with you, . . . For the Lord thy God is a consuming fire, even a jealous God." He believes that Southerners failed to meet their responsibilities as Christian masters to "follow the example of Abraham and to treat their slaves as members of their household and as brothers and sisters in the eyes of the Lord." They failed to realize that slavery was a sacred trust to be regulated in strict "accordance with the Decalogue, the standards of the Abrahamic household, and the teachings of Jesus." According to Genovese, the slaveholders and statesmen of the South simply did not meet this standard of biblical stewardship. Thus, he believes, God deposed them as stewards for their persistent failure to heed God's word, just as Christ warned He would do in Luke 16:1-2.

This opinion is neither anachronistic nor original. Many of the South's most distinguished theologians, pastors, and bishops came to the same conclusion in the aftermath of the war, and sometimes earlier. Long after the war, most of them believed that, if only they had reformed slavery in time, God would have brought them victory in war and decreed the establishment of their independent Southern republic.

Genovese is willing to concede that the Southern pro-slavery reformers were intelligent men of conscience who honestly thought a Christianized slave system to be consistent with Scripture. On the other hand, he has no hesitation in condemning the stand-patters for complacency in ignoring the Christian call for reform. He insists that, while Southern divines may be criticized "for theological error" in upholding slavery in any form, they may not fairly be accused of ignorance, bad faith, or hypocrisy. However, Genovese never spells out the nature or biblical content of that error. The reader is left wondering whether Genovese thinks the modern condemnation of slavery *per se* (slavery in the abstract) is theologically and morally groundless or whether it has simply never been made.

Genovese ably summarizes the efforts of Southern Presbyterian, Episcopalian, Baptist, and Catholic church leaders to urge their congregations to reform slavery along Christian lines. They implored Southern planters to provide more reli-

gious instruction for their slaves. They encouraged Southern legislators to repeal the literacy laws, which forbade teaching slaves to read, for by denying them that skill, they were denying them the Bible. They also called for the legal recognition of slave marriages and slave families so that planters could no longer break up *de facto* families. Genovese recognizes that many, if not most, planters tried to avoid this practice, but he also notes that it happened more often than many Southerners at the time were willing to admit, since the temptation to make a good profit by a particular sale often proved too strong even for Christian slaveholders. The Southern divines warned their congregations that such sales not only violated the sacred institution of the family but provided occasions for slaves to commit adultery. The reformers also urged their faithful to allow slave testimony in court, and to enact laws to punish cruel and neglectful masters and to prevent the seizure or sale of slaves for unpaid debts or foreclosures. The object of this last measure was to bind slave families not only to a particular piece of land but also to a particular owner. As Genovese points out, the sum total of these reforms would have transformed the master-slave relation into "a more humane system of personal servitude."

Needless to say, there was little reform along these lines either before or during the war. Genovese addresses the question of why a predominantly churchgoing and Bible-reading people did not do as their pastors urged them. As he points out, Southern reformers cast much blame on the Northern Abolitionist movement. They constantly complained that it was difficult to persuade planters that they should be teaching their slaves to read when the Abolitionists were sparing no effort in smuggling into the Southern states inflammatory literature which urged the slaves to rise up and slit their masters' throats, among other things. The palpable hostility and antagonism displayed by the Abolitionists toward the white South, their calls for a bloody slave rebellion, and their unrealistic demands for immediate and unconditional emancipation undoubtedly made slavery reform more difficult by producing resentment, fear, and a siege mentality among the whites. Although Genovese does not mention the fact, many Northerners (including Sen. Daniel Webster, Supreme Court Justice Joseph Story, and Prince-

ton theologian Charles Hodge) condemned the Abolitionists for actually worsening the plight of the slaves and for creating hostility and distrust between the Northern and Southern people. Genovese probably underestimates the complicity of the Abolitionists in blocking reform, but he is correct to point out that Abolitionist fanaticism and conspiracies did not absolve Southern planters of their responsibility for fulfilling their Christian duties to their slaves.

The second important question that Genovese examines concerns the likely future of the peculiar institution in the event that the Southern states had won their independence. He reveals that many prominent Southerners, including church leaders, statesmen, and writers, advocated gradually transforming slavery into a system of bond labor in which bondsmen would be granted certain minimal legal rights of property, personal liberty, and full legal recognition of marriages and parenthood. Those who advocated such a change included the Presbyterian theologian James Henley Thornwell, Confederate Secretary of State Judah P. Benjamin, and novelist William Pendleton Kennedy. Genovese stresses that the reformers were not willing to consider adopting the free labor system of the North; rather, they all insisted that "a stratified social order based on the strict subordination of the laboring classes and the legally enforced personal responsibility of a master class toward those who labored for them" be maintained.

In Genovese's opinion, an independent Southern Confederacy would have shrunk from such radical reform, which, by removing the planter's absolute control over his labor property, would have reduced the profitability and productivity of Southern agriculture and hence "promised to turn the South into a second-rate power" and its planters into "the clients of Northern capital." Genovese is saying that, ultimately, members of the planter class had three choices available to them: first, to maintain the profitable but harsh system of chattel slavery, while incurring God's judgment; second, to reform the institution and save their souls, though dooming themselves to declining wealth and power and eventual Northern economic domination; or, third, to emancipate the slaves and create a free labor system which would have led to "rapid industrialization" and the imita-

tion of the worst and most un-Christian features of Northern society. "One way or another," Genovese writes, "the slaveholders, however metamorphosed into a new class, faced a decline in their class power and an end to their dream of an alternate road to modernity."

He may be right, but it is at least possible that an independent South might have enacted the reforms urged by her Christian leaders and thus avoided falling into a state of economic backwardness and dependency. After all, Southerners consistently valued such non-monetary goods as country living, personal independence and liberty, and an harmonious and rich social life at least as much as mere wealth and material accumulation; and independence might have created a more favorable environment for Christian reform of their labor system. Southerners might have introduced a smaller and more humanely scaled industrialization to provide some measure of industrial self-sufficiency, and black Southerners might eventually have achieved legal equality and proper-tied independence. In other words, an independent South could well have found an alternate—and more Christian—path to modernity. Thanks to Mr. Lincoln, we shall never know.

Perhaps the least satisfactory portion of this otherwise excellent book is Genovese's brief discussion of racial thinking and racial policies in the postwar South, where he argues that the Southern divines failed to build a scriptural case for racial segregation, anti-miscegenation laws, and Southern support for Western "racial imperialism," all of which he condemns. "No postbellum defense of racial dictatorship and segregation," he writes, "compared in biblical scholarship and intellectual power to the defense of slavery." This may be true, but it is also true that Southerners did not think that such a defense was necessary. Even in the North, only the most radical Republicans questioned the necessity or morality of some form of racial subordination of the freedmen. Perhaps the tables should be turned around to face the Northern liberals, who have *never* bothered to formulate a biblical argument for their egalitarian principles and policies. In short, Genovese's criticism of the postbellum South seems uncharacteristically unfair and anachronistic. On the whole, however, this important book is marked by meticulous scholarship and profound insight.

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Mea Culpa by George Garrett

Ex-Friends: Falling Out With Allen Ginsberg, Lionel & Diana Trilling, Lillian Hellman, Hannah Arendt, and Norman Mailer
by Norman Podhoretz
New York: The Free Press;
256 pp., \$25.00



Dear Norman,

This is the second (and probably the last) time I have written to you. The first time was way back in tumultuous 1968 when, as a kind of review of your book *Making It*, for the *Hollins Critic*, I wrote you an open letter entitled "My Silk Purse and Yours: *Making It*, Starring Norman Podhoretz." When I collected that same review as the title piece of a gathering of literary criticism in 1992, I didn't really change anything, but had to admit in a headnote that

Podhoretz has gone a long way, in his own way, since *Making It* (1968). My piece no longer applies . . . *Making It* was not a "bad" book. I seem to have thought it was unintentionally funny in many ways that our late twentieth century world is unintentionally funny and unbearably sad.

One of the recurring *motifs* of this new book, your fifth since then, is how many people bombed *Making It*, mostly, it seems, because they simply refused to allow the validity and integrity of your argument in that book that the intellectuals and the *literati*, including, of course, yourself, are most powerfully driven by personal ambition whether they admit it or not. You admitted it and took some heat for telling the plain truth. The people that you call "The Family" in *Ex-Friends* seem, by and large, to have been more than a little unhappy to have been exposed to your pitiless light.

I doubt that you remember me or my piece, guessing that you never saw it. Hoping that maybe you missed it. Because, though it did not question your

main point, in fact firmly agreed with it and with you, the review was nevertheless a wiseass, smartmouth piece of work, based on the youthful fallacy that our celebrity culture was not likely to prevail, that a bunch of cosmopolitan New Yorkers were not really and truly shaping and manipulating the conscience and consciousness of our vast and wildly diverse nation.

I don't apologize for my folly, but I do deeply regret having been so dreadfully wrong.

Much has changed since then. You have left the left behind, an act of courage in your crowd; and you have served influentially as the embattled and often impassioned editor of *Commentary* for more than 30 years. Sometimes I had no other choice than to agree with you about this and that. I would not agree, then or now, that these people, these distinguished ex-friends (and others you mention here and there like, for instance, Jack Kerouac and Jackie Kennedy) really had a whole helluva lot to do with the way we (Americans) live or die, think and feel, today or ever. There is no denying, Norman, that the celebrity culture has overwhelmed us and our common sense; no denying, then, that your new book, by its very existence, is plugged into the power and light of celebrity and that the fun of it all is to get your "take" on Ginsberg, the Trillings, Hannah Arendt, Hellman, and Mailer. For this to work as well as it does, you, too, must emerge as a kind of celebrity, a mover and shaker all on your own.

For the sake of any potential readers, let me say that this is a lively book, full of good gossip, some of it fresh and new, and many memorable anecdotes. These people, your erstwhile friends, from time to time surprise us even as they confirm the public images they have chosen to cultivate. And for a little while, thanks to the persuasive context you have deftly created and to the presented character of your narrator (yourself), it is possible briefly to suspend disbelief and to imagine that these folks, this Family, really were (in the jacket copy of your publisher) "the finest minds of their generation," possessing "a level of erudition almost extinct." Possible also to take at face value the hyperbolic blurbs (a string of pearls) by Paul Johnson, Cynthia Ozick, William Bennett, William Kristol, Mario

Vargas Llosa, Robert Bork, and Jeane J. Kirkpatrick, and possible even to accept the validity of your own final self-appraisal—"In all truth, I much prefer who I am to who I was." An enviable condition!

What I am trying to say is that this new book offers plenty of pleasure while it lasts and as long as the reader is able to ignore the astonishing claim that all our good ideas, all too soon to become public policy, come to us directly from the living rooms and dinner parties of a little group of New Yorkers whose demonstrable flaws of character should at the very least limit their power and influence over others. But—considering the flawed characters of all our political leaders from top to bottom, maybe you are right, Norman. Maybe we do owe you and these others more than we can imagine, including some gratitude to you personally for, once again, letting the cat out of the bag, as they say.

Good luck with this book. I enjoyed it and cheerfully recommend it to others . . . with reservations.

Yours truly,

George Garrett

P.S. By the way, Norman, I don't know if you noticed it or not, but your publisher has a different subtitle for the book in the publicity release prepared by one Cynthia Hoof—*Ex-Friends: The Civil Wars of the New York Intellectuals*. I find myself wondering which subtitle is really yours. I kind of like *The Civil Wars* one because it sounds a little less like *People* magazine or *Vanity Fair*.

George Garrett is the Henry Hoyns Professor of English at the University of Virginia. His most recent book is Bad Man Blues (Southern Methodist University Press).

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Shaken and Stirred

by J.O. Tate

**Martini, Straight Up:
The Classic American Cocktail**
by Lowell Edmunds
Baltimore: The Johns Hopkins
University Press; 153 pp., \$24.95

Professor Edmunds' study is welcome for several reasons, not the least of which is that it is the revised edition of his *The Silver Bullet: The Martini in American Civilization* (1981). That noble and instructive volume was much too good to disappear into oblivion. The centrality of its topic and the originality of his treatment have more than justified this publication, which we may perhaps call the revised standard version.

Lowell Edmunds' remarkable book is not quite what it seems to be, however. It is not a bartender's guide or a recipe book, nor is it, in spite of certain celebratory qualities, a guide for snobs. Furthermore, this revised edition transcends its occasion, which is the retro revival of the past decade (and then some) and the image of the Martini as a staple of yuppie steak houses, cigar bars, and so on. The Martini is more important than that, as Edmunds has himself shown.

He certainly more than touches on Martini lore: the provenance of the cocktail, the squabbles about standards, and so on. But I think it is fair to say that, for him, a Martini (as the subject of this disquisition at least) is more than a drink: It is a symbol, and an American one. Edmunds has used various techniques for unfolding the meanings of the Martini, such as examining the history of advertising, analyzing the background of gin and vermouth, and tracking the Martini's presence in popular culture, for instance in film.

The most immediately gratifying such work is his tracing of the Martini in literature, and I must say that I enjoyed reading the quotations from Jack London, W. Somerset Maugham, F. Scott Fitzgerald, Ernest Hemingway, Evelyn Waugh, Dorothy Parker, J.D. Salinger, John Cheever, John Updike, and others; even more, I relished Edmunds' comments about them. He has shown that the Martini in literature is not a mere reference

but a functioning emblem, a generator of distinctions. For all his erudition, however, I think that Edmunds missed the most poetic and impassioned lines ever inscribed about the Martini, which are from the lips of the alcoholic gunman, Harvey Lovell, in Chapter 18 of *Midnight Plus One* by Gavin Lyall (1965), at least some of which must be quoted for the record:

Just cold enough to make the glass misty. . . . Not freezing; you can make anything taste as if it might be good by making it freezing. That's the secret of how to run America, if you want to know it. . . . And no damn olives or onions in it, either. Just a kind of smell like summer.

But even this effusion does not quite speak to the heart of *Martini, Straight Up*. The book is about more than a mere cocktail—it is about a symbol, as I said. And Edmunds has insisted that the Martini-as-symbol is the Martini we know. To him, the simple messages of the symbol are these: The Martini is American, not European or other; it is urban and urbane, not rural or rustic; it is a high-status drink, not low; it is a man's drink, not a woman's; it is optimistic, not pessimistic; it is adult, not juvenile; it is of the past, not the present. The ambiguities of the Martini are more challenging and suggestive of the core of his vision: The Martini is civilized and uncivilized; it unites and separates; it is classic and individual; it is sensitive and tough. Perhaps we would not agree with every one of his theses, but he has nailed them to the door of the clean, well-lighted place of our imagination, and adduced convincing evidence of the paradoxes he has identified.

Edmunds has acknowledged that his mental starting point was in Roland Barthes' "Wine and Milk" (*Mythologies*, 1972) and Levi-Strauss's *The Raw and the Cooked* (1970). But his work has left structuralism and semiotics behind, in part because of his sense of humor but mostly because of his awareness that the Martini-as-symbol cannot be altogether reduced to formulae. He claims that the Martini embraces the fundamental contradictions of American life, to which we must add that enough Martinis also resolve (or dissolve) those contradictions, or at least let you forget them for a while.

We can only wish that Edmunds' book were more—even much more—exten-

sive, as it leaves many points to be developed. I do not see, for example, the Martini-as-symbol (and all Martinis are that) as past-oriented. It seems to me a totem of the present, an emblem of the modern. "The Silver Bullet" packs a punch because, after a day at the modern office or in the city, that is what you need. In that sense, the Martini is the civilized antidote to modern experience, one that unleashes uncivilized impulses in a paradoxically hieratic rite that can hardly fail to remind us of ancient religion.

I would have liked to read more, too, about the Martini as a secular Protestant potation, opposed to the wine culture of the Mediterranean/Catholic worlds of Italy, France, and Spain. Within our own nation, the cult of the Martini replaced the great drink of the antebellum South, the Mint Julep, which is arguably both a superior drink and a more American one, and certainly a symbol of other values. To his credit, Edmunds has not assumed that the oxymoronic cocktail he studies is innocent, any more than a bullet is. He has acknowledged the poisonous possibilities of the Martini and the dead end of alcoholism.

Martini, Straight Up is a stimulating work of cultural criticism and analysis for which the author will be thanked by grateful readers—though one of those readers, at least, has been disappointed by his latitudinarian treatment of that usurper, vodka.

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RECEIVED WISDOM

Lorenzo da Ponte in *American Perspective* by Olga Ragusa; S.F. Vanni Publishers and Booksellers, 30 W. 12th Street, New York.

Olga Ragusa, Da Ponte Professor of Italian Emerita at Columbia University, has published two informative and highly readable lectures on the founder of Italian studies in America: poet, Mozart's librettist, Latin lover, and con-artist, and writer of one of the liveliest memoirs of the 19th century. "His publications were numerous," she dryly observes, "but would no doubt create problems for a present day committee charged with the evaluation of his credentials."

Letter From Los Angeles

by Jonathan Ellis

On the Celebrity Waterfront



By the time I arrived at the Dorothy Chandler Pavilion in Los Angeles, the selection was over. About 200 people had won coveted bleacher seats to the red-carpet entrance of the 71st Academy Awards. Among celebrity-worshippers, sitting in the Academy Award bleachers is like taking communion from the pope. Reaching this pinnacle requires a fanatical dedication that separates the avid star-worshiper from the armchair variety. One must possess the physical fortitude and iron will to camp out in the streets days before the ceremony and, once chosen, to spend up to 12 hours planted on a bleacher seat in the hot sun. For those who can endure these hardships, the payoff is immense. As Hollywood nabobs disembark from their limousines and glide over the red carpet to their rendezvous with glory, the chosen in the bleachers roar them on with shouts of encouragement and screams of adulation. This bleacher audience—big enough to whoop thunderously but small enough to be managed by a cadre of security guards—plays an essential role in creating the Oscar “buzz.”

Meanwhile, the unchosen have no option but to go home or to find a spot on the street that might offer a promising view of arriving movie stars. Dozens of bleacher-seat rejects flocked to the pavilion’s back entrance where, rumor had it, performers in the evening’s celebration would arrive sometime in the afternoon.

The spectacle was made more preposterous by a transvestite dressed as Marilyn Monroe, stubbled with a five-o’clock shadow, and a midget parading around in a white suit. Both cradled fake Oscars and smiled for amused fans who clicked away on cameras. Women squealed and men chuckled when “Marilyn” hoisted his white dress to reveal thick dark leg hair and white bikini underwear.

I went to the Academy Awards not to

star-gaze—nor to be amused by the farcical behavior of those who did—but to get a stiff dose of political agitation. Demonstrators representing old-guard communism and radical individualism vowed to square off in the streets around the pavilion. The prospect for a confrontation sounded invigorating—especially after a year in which America’s fiercest political debate was over the definition of “sexual relations.”

The demonstrations on that day were borne of a decision made almost 50 years earlier by Hollywood director Elia Kazan. In 1952, Kazan, then a communist apostate, volunteered to the House Un-American Activities Committee the names of several communists with whom he had worked in the mid-1930’s. Kazan’s own activity as a communist was brief, lasting less than two years. As a young idealist faced with the grim realities of the Depression and fascism, Kazan initially believed communism had something good to offer. But as J. Edgar Hoover writes in *Masters of Deceit*, Kazan’s liberal sensitivities clashed with the Communist Party’s “regimentation and thought control.” Kazan had the sense and honest objectivity to reject communism at a time when many of his comrades were willing to ignore or overlook Stalin’s ruthless solidification of power in the Soviet Union.

Communists regarded Kazan’s 1952 testimony as perfidy of the highest order. When studio executives blacklisted known and suspected communists, Kazan became the *bête noire* of leftists whose humble aim was to overthrow bourgeois America and establish a Soviet satellite state. Hoover notes that Communist Party apostates were “vilified, blackened, and made to appear the scum of the earth,” and retaliation against Kazan was swift. One week after Kazan’s testimony, Samuel Sillen of the communist *Daily Worker* wrote, “We have seen a lot of belly-crawling in this time of the toad, but nothing has quite equaled last week’s command-performance by Hollywood director Elia Kazan. . . . Kazan is not content with being a toad. He must be a philosopher of toadism.”

Despite having directed classics like *On the Waterfront*, *A Streetcar Named Desire*, and *East of Eden*, Kazan became a pariah. Only after the final chapter of the Cold War had been recorded in

America’s dumbed-down history books could Kazan’s work be considered for the honor it deserved. In January, the Motion Picture Academy’s board of governors voted to award him an Oscar for lifetime achievement.

In some quarters of Hollywood, the decision to honor the 89-year-old director was met with outrage. To Tinseltown’s unapologetic Stalinists and virulent leftists, awarding Kazan an Oscar was as palatable as admitting that tens of millions had been murdered in the name of their philosophy. In response to the academy, the peculiarly named Committee Against Silence asked the Oscar audience to remain silent when Kazan received his award. It also planned a little fest of self-righteous indignation outside of the ceremony.

By noon, the only demonstrators I could find at the pavilion were Kazan’s supporters from the Ad Hoc Committee for Naming Facts. Formed February 24 by the Ayn Rand Institute, the Ad Hoc Committee sought to honor Kazan as a hero for, in the words of Chairman Peter Schwartz, standing up against “an ideology which called for the enslavement of the individual to the collective state.”

Their demonstration area at the intersection of Hope and First Street, about a block from the red-carpet entrance, was well stocked with piles of showy press packets, cases of bottled water, and stacks of professionally manufactured signs with slogans like “Hollywood Communists Supported Stalin,” “Thank You Kazan For Not Being Silent,” and “Kazan: Defender of Free Speech.” Many dressed in coat and tie—not the sort of clothing associated with demonstrations or warm Southern California afternoons. As some fielded press questions and posed for photos, others handed out leaflets to curious spectators.

A couple of hours dragged by with no sign of the Committee Against Silence. By 2:00, the pro-Kazan demonstration had swollen considerably and included a contingent of about 20 toughs from the California chapter of Young Americans for Freedom. They weren’t like the twiggly Republican geeks I had known in college. A couple were outright bruisers, and the band had the menacing air of drunken Vikings making way for the English coast.

Legions of crazed fans crowded the

sidewalks, with more arriving by the minute. An occasional limousine cruised slowly by, and sometimes you could make out a waving hand from behind tinted glass. Of course, this only teased the gawking folks who had come to see stars. More than once a newcomer asked if I had “seen anyone yet,” which I took to mean “anyone like Tom Cruise or Meryl Streep,” and I had to respond sadly that I had not. A Goodyear blimp, three helicopters, and a banner-towing airplane competed in the category of noisiest and most irritating flying machine. As I was thinking how the event had the sounds and feel of a big football game, I noticed a handful of people carrying signs kitty-corner to the pro-Kazan demonstration. The Committee Against Silence had arrived.

Getting to their protest site posed something of a problem. Security guards had taped it off earlier in the day, and they weren't letting spectators across First Street. The large mob gathered on the other side of First Street complained bitterly about this. (They didn't care that such a great location had been closed off for a bunch of pinkos to use, just that it had been closed off.) When I headed to the anti-Kazan site, three or four spectators followed. An assiduous security guard intercepted us halfway across the street, screaming, “Go back! This area's off limits.” But nothing was stopping us—especially an unarmed security guard—and we left him standing in the middle of the street with a bruised ego.

The anti-Kazan people distinguished themselves from the rabble by tying red scraps of T-shirt around their arms. According to one, they were only the “advance party” for what could be 1,000 protesters. This “advance party” was middle-aged and astonishingly yuppified for a pack of commies. When I asked two of them how they secured a site so close to the red-carpet entrance, one of them got annoyed and muttered, “We've got a police permit and everything,” before turning away to chatter on a cell phone. His comrade had a different story, saying, “I think probably the academy was a player in it.” I listened to her prattle on about the world's dismay over the academy's decision to honor such a vile man. She was explaining why the 1950's was the most politically correct era in American history when a look of fear shot across her face, and she started screeching, “Stop! Stop! This area's for the protesters.”

I looked over my shoulder to see a

horde of spectators stampeding across First Street. They had had enough of being pushed around by rent-a-cops; now they were taking matters into their own hands. Several security guards and a couple of protesters offered futile resistance and almost got crushed for their trouble. Anti-Kazan protesters were furious that their site had been overrun. The woman I'd interviewed flashed me a sneering look that blamed me for leading the onslaught. But the story ended happily for the Committee Against Silence. The invaders were unwittingly drafted into the anti-Kazan camp by the *Los Angeles Times*, which reported the following day that 500 people protested Kazan's award.

My own estimate put the number at 150. And they weren't friendly. Several anti-Kazan protesters hurled insults at the pro-Kazan side. A woman who seemed under the control of hallucinogens squirmed in laughter when her comrade screamed that Kazan was “a slime man” to a pro-Kazan demonstrator wearing a Vietnam veteran's baseball cap. Another woman shouted, “Ahh. I see the Nazi party's here!” At that, a large brute holding a pro-Kazan sign and wearing a Jewish Defense League T-shirt scowled in disgust, and for a moment I thought I might have to intervene to keep him from picking her up and shaking the silicone implants out of her.

The appearance of the Red Menace jump-started the pro-Kazan side. YAFers boomed their baritone chants of “Hey Hey, Ho Ho, Hollywood Commies Got To Go,” and “Kazan's the Man, Kazan's the Man!” Fittingly, given the surreal circus surrounding them, they seemed oblivious to a stark irony. Here were virulent opponents of liberalism supporting a man who has never repudiated liberal politics, just communism. Kazan defended his decision to testify before the House Un-American Activities Committee as a way of saving the Hollywood careers of “good liberals” who weren't allied with the communists.

Scott McConnell, director of communications for the Ayn Rand Institute and vice chairman of the Ad Hoc Committee, called Kazan an “honest liberal” of the old school who “believes in individual rights and saw that the Communist Party of America and the Soviet Union were the enemies of individual rights.”

McConnell believes Hollywood continues to suffer an infestation of communism. “They wouldn't call themselves communists,” he told me. “They'd call

themselves environmentalists or multiculturalists or socialists or left-leaning or progressives. But they still have a lot of the same policies and philosophies.”

The Committee Against Silence was not hiding its ideology behind euphemisms. About 50 of them locked arms and marched into First Street under signs reading “Hail Heroic Soviet Spies” and “Reforge the Fourth International World Party of Socialist Revolution,” as well as two familiar red flags sporting the hammer and sickle. This was too much for the YAFers to stomach, and they charged off their corner to meet the hated foe. A communist protest leader with a bullhorn urged her comrades on in a chant of “Down with McCarthyism,” while the YAFers shouted, “Long live McCarthy.” An all-out brawl seemed imminent. Hundreds of spectators (who had, up until that point, behaved dutifully by staying on the sidewalks) followed the lead of the demonstrators and streamed into First Street. The whole scene was drifting into chaos.

Movie stars could swoop in at any time. Order needed to be restored, and a squad of police officers moved in to separate the demonstrators and clear the street for the parade of limousines. It took about 15 minutes to herd everybody back on the sidewalks. After the crowd nearly crushed me against a newspaper box, I decided to head to the pavilion's back entrance. I muscled my way through Hollywood's believers for about a half-block before looking back at where the demonstrators stood. A few signs rose above the crowd like insignificant atolls in a sea of star envy. The political squabblers had been absorbed by the celebrity-worshiping masses.

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Letter From Venice

by Andrei Navrozov

First Impressions



It has been only a few weeks since I used my tears to moisten the mixed-fruit *schacciata* cake of Florentine captivity, but

from the chaise lounge on my terrace it seems that this was in another life. Here, at last, I know I am where I belong, a spark of cosmic indolence fortuitously restored to the serene plenitude of the great green lagoon, or, in a less overtly Gnostic idiom and the more popular style of Dean Martin and Jerry Lewis:

First I movèd all my stuff-a
With a big *motoscafo*.

No, let me see if I can do better than that:

Then I placèd each bundle-a
In a nice old gondola.

And so on. When it comes to first impressions of Venice, obviously the important thing is to stem the creeping sentimentalism associated with the otherwise perfectly reputable soundtrack of a certain homosexual cult movie based on a lugubrious German novella, and now that that's been pretty much achieved, I can be serious.

Sleeping in Venice is like no other sleeping I've ever done. This is significant, because since my university days I've done more kinds of sleeping than most people at Yale have read dull books. "Not more than Harold Bloom!" I hear you cry. Yes, even Harold Bloom. My approach is characterized by total commitment, which in this case mandates the ownership of some reasonably voluptuous linen, and even a kind of Talmudist frenzy that seizes me whenever it is time to turn off the bedside lamp. Sleeping, for me, is more than the wise man's reading. It is the poor man's gambling.

Venice, meaning its 47,000 native inhabitants and roughly twice as many naturalized or resident aliens like myself, goes to bed early. By 11:00, 11:30 at the latest, the Venetians who have been out for the evening are making their way home, and only the tourists still overhang the canals and crowd the streets in giant, amorphous, apparently purposeless clusters of transient bodies and foreign vocabularies. There are 1.5 million of *them*, annually. By midnight, when the cafés along the Via della Pace in Rome would just begin doing their shady business, willowy youths winking determinedly at the waiters in the hope of grabbing a white wire-mesh seat near the moving throng, here—and I hesitate to say it for fear of being accused of only having seen Venice in my dreams, yet it is true—by midnight all one hears is the occasional

sound of water splashing against wooden piles and mossy stone.

In the daylight the piles, called *bricole* in the Venetian dialect, look like giant stalks of white asparagus. Some seem centuries old. The streets are paved with identical *masegni*, flagstones quarried in the volcanic hills of nearby Padua since the time of its annexation to the Republic. But the only sort of stone used in building here, apart from Roman brick, is *pietra d'Istria*. There is a reason for this, as only three kinds of material—wood, combination red-and-yellow clay brick, and just this type of stone quarried in what is now a part of Croatia—can withstand prolonged exposure to the elements in the primordial soup in which the city steams like a piece of toast in fresh *bouillabaisse*. Iron, whether in oar locks or window latches, has a life expectancy of five years; untreated marble may last up to 20; granite, a while longer. The very climate which is Venice, in short, is a kind of subconscious release from individual responsibility, where all constructive striving within the elemental pool of life is ultimately useless and all human effort is doomed, dissolving in due course into the rust and algae of the ages. That suits me fine, and a fresh *graffito* in the Campo S. Stefano confirms that the indigenous attitude to life is conducive to sound ratiocination: "USA Assassins," it reads, "Milosevic Butcher."

By the Rialto I saw some young soldiers in uniform, native Venetians on leave from their unit, chitchatting in dialect with their gondolier friends. I asked them, in my best foreigner's Italian, for some views of the war, which, as I write, is being waged from airbases an hour's drive from Mestre, and not exactly under a dense veil of international secrecy. "Bo!" they replied cheerfully, in their own best foreigner's Italian, giving me to understand that they neither knew nor cared. Of what relevance is a world war if a gondola across the Grand Canal still costs less than a thousand *lire*? Of what permanence is peace if the noblest marble will melt like a sugar cube? Driving wooden *bricole* into the soggy primeval silt, on the other hand—although likewise not of eternal significance—is an undertaking considerably less frivolous. A single one of these trammels of free movement, an ordinary tree trunk about nine meters long, may cost over \$2,000 to put up, as the right to perform such work is held exclusively, and in such perpetuity as there can be on this impermanent

earth, by the professional association of gondoliers.

And then there is the central issue of lunch, which furnishes a further illustration of the city's collective idea of order, justice, and fair play. At the world-famous Harry's Bar or any other restaurant of distinction, a seafood risotto and some grilled fish, with local Veneto white, will set you back \$100 a head, \$150 if you unnecessarily upset the impeccably disciplined staff by wearing a baseball cap backward. But if a Venetian is one of your party, not necessarily acting as host or paying the bill but merely present at your table, you will not spend more than \$50 a head. This is no urban myth I am passing on here, nor an open secret of the gossipy kind one finds in youth travel guides; it's just the way it is, unapologetic and public as the nose on Shylock's face. A fool might call it discrimination; but if fools had their way, there would be no good restaurants left in Venice. The moral of the story is that justice is but an ingredient of happiness, and its obsessive pursuit is as odd as a plateful of cumin, or a liter of gin, for the main course.

Venetians do not seize the day. They prolong it, believing that a good man ought to live as the great city does, sinking beautifully and as slowly as can possibly be arranged. A complex web of apparently intractable urban traditions, ruthlessly syndicalist superstitions, and openly arcane practices of every description, which covers everything from the flavoring of *grappa* to the mooring of boats, is actually an intricate and effective safety precaution, many centuries in the making, designed to retard the processes of physical corrosion and social erosion. I hope it will not sound too sad if I say that a hundred years ago my own nation still had such retardant measures in place, or that in the United States they were forcibly dismantled not very long after. Certainly I have seen with my own eyes, within the last decade, how the wholesale removal of all arbitrary and arcane bulwarks against progress—in the name of fairness, social mobility, and untrammelled trade in dogmeat-and-soybean hamburgers—has made England not England.

It is equally sad to reflect that so much of Italy is to suffer the same streamlined fate. It is not specifically the specter of a European superstate, or the pursuit of American pseudo-prosperity, or the new freedom sold by the communications industry as cunningly as General Motors

had sold the old one, that are razing the last love of my life to the ground. It is simply the realization, on the part of most decent, working, normal people—in Italy as elsewhere—that things are going in a certain very obvious way, and that one must in the end be a stubborn, recalcitrant, almost suicidally lackadaisical sort of person not to go with the flow.

Well, Venice has not gone with the flow. It has stood athwart it, quite literally, for a thousand years, thanks to the obstinate, insular, suicidally lackadaisical race that inhabits this proudly surreal Canaletto landscape, ever mindful that progress—in any and every sense—is another word for inundation, deluge, entropy, or collapse of everything that is truly valuable, really important, and should be preserved just a little longer, and then a little while longer again. While the Superstate of Europe is being mooted, Italy as a whole will doubtless linger the longest among nations as the place with the stamina, or the contrariness, or the capriciousness, or the laziness, or the serenity, to deny the khan his spiritual tribute. But when that Superstate is truly upon us, this scheherazade of a city will become Superitaly, or Italy's Italy, destined to survive as an authentic social organism even as its more worldly, energetic, and accommodating neighbors gorge themselves on artificially inseminated spaghetti from Frankfurt and genetically modified sea bream from Minsk.

Two years ago, I wrote in this space that Italy was where I hoped to make my last stand, or at any rate to have my last sleep. Now I know exactly where in Italy.

Andrei Navrozov is Chronicles' European correspondent.

Letter From London

by Derek Turner

Lawrencemania and Anglophobia



"Into hell" read the headline in the tabloid *Daily Mirror* on February 24, 1999. The *Mirror's* reporter had "walked the streets where racism is a way of life—and death." He had found "racism seep-

ing from every pore," and his photographer took shots of neo-Nazi graffiti, such as "Kill all coons at birth."

The "hellish" place is actually a rather ordinary housing estate in southeast London—and the graffiti may well have been faked by the *Mirror*. These inconsequential streets have attracted such hysterical attention because this is the housing estate which gave rise to some of the five white men accused (although never convicted) of the 1993 murder of black teenager Stephen Lawrence.

The *Daily Mirror* article was but one (albeit ludicrous) report on the Stephen Lawrence affair, which has swept across Britain like a psychic pestilence, leaving indigenous Britons with a sinking feeling of racial guilt or a sense of injustice, immigrant-descended Britons with a feeling of resentment against the "racist" society in which they are told they live, and a demoralized police force with a massive public-relations problem.

The facts of the case may not be familiar to American readers. On the evening of April 22, 1993, Stephen Lawrence, a black student, was walking through Eltham in southeast London with a black friend, Duwayne Brooks. According to Brooks, a group of five or six white men came after them, with one saying, "What, what, nigger?" Brooks ran away, but Lawrence stayed behind, only to be punched, kicked, and stabbed in the chest and shoulder. He staggered up the road for 100 yards, collapsed, and died about 15 minutes later. The police failed to make instant arrests, for which they were later much criticized. (That the police felt they did not have enough evidence to arrest anyone seems to have escaped many commentators.) The Lawrences' understandable sorrow and anger were seized upon by groups like the Socialist Workers' Party, and an ever-present subterranean current of hatred for the police began to turn into a chorus of bile; the police were accused not only of incompetence but also of lack of concern about dead blacks.

On May 6, 1993, Nelson Mandela visited the family. "It seems black lives are cheap," he intoned, less than helpfully. The following day, police arrested two white men, brothers Neil and Jamie Acourt, and over the next few weeks three others: David Norris, Luke Knight, and Gary Dobson. All had belonged to the same gang, all were pretty unpleasant, some had criminal connections (the father of one was a large-scale drug push-

er), and all were rather dim with a propensity for violence. Several had been implicated in the stabbing by nearby residents or anonymous callers.

On July 29, 1993, however, the Crown Prosecution Service ruled out commitment of the five because of insufficient evidence. The police submitted more evidence, but the CPS made the same decision on April 15, 1994. The media frenzy mounted; internal police reviews of the case were demanded and dutifully conducted. On April 22, 1994, the Lawrence family undertook a private prosecution against the five. The police had obtained videotape evidence of four of the five shouting racial abuse at blacks and one of them demonstrating stabbing techniques with a knife. (Although the four had said nothing directly incriminating, it should be mentioned that the youths had also said that they would like to stab and kill "every copper, every mug.") Brooks identified Neil Acourt and Knight as two of the attackers. Weapons were found at the Acourts' home. There were other clues, too, but the defense objected to Brooks, claiming he was an unreliable witness, and the judge agreed. (In interviews, Brooks has admitted to "hating" the police; when the police first arrived at the scene of the crime, he was "jumping up and down and being very aggressive," "virtually uncontrollable," and he called the police "f---ing c---ts.") The case collapsed, and because of the ancient rule of double jeopardy, the five could not be tried for the same offense in a British court.

At the inquest in April 1997, the five invoked their right not to say anything that might incriminate them. The coroner instructed the jury to return a verdict of unlawful killing, but the jurors went one step further by saying that Lawrence had been the victim of "a completely unprovoked attack by five white youths." The next day, the *Daily Mail*, an ostensibly conservative tabloid, carried the headline "Murderers" above pictures of the five. There were cynical murmurings that this was a ploy to avert mounting criticism of the *Mail* as "racist" because of the paper's less than welcoming editorial response to Slovak gypsies and sundry other benefit tourists then swarming into Dover in larger numbers than usual. Lawrence's father had also worked as a decorator in the house of the *Mail's* editor: This is supposed to be how the editor first heard of the murder. The five did not have the resources to sue the *Mail*.

After the inquest, the Lawrence family complained formally to the Police Complaints Authority about the investigation. The Kent police, who conducted the review, found that the investigation had not been perfectly conducted and recommended disciplinary action against one officer. But this did not suffice. Regrettably, even Mrs. Lawrence began saying that the investigation had been mishandled because of police racism, not human error. (After the report's publication, she said that the police "acted in a manner that can only be described as white masters during slavery.") Other murders of black men, such as that of a musician in north London in January 1997, were instantly treated as racial murders (it was not until March of this year that it became clear that, in the latter case, there was no racial motive whatsoever). Never mentioned was the fact that the clear-up rate for murders of blacks is actually higher than for murders of whites, nor that the Commission for Racial Equality has estimated that 238,000 of the 382,000 crimes in 1995 thought by the victims to be motivated by racism were committed against *whites*.

In December 1997, with Labour in power, Home Secretary Jack Straw announced that a new public inquiry would be directed by Sir William McPherson, a retired High Court judge regarded as a "conservative" and therefore instantly dismissed as "insensitive" by the Lawrences. He seems to have taken this very much to heart, and his judgment was clouded in consequence. Certainly, as the left-wing *Guardian* noted, "From early on, his plain speaking made it clear his sympathies lay entirely with the Lawrence family." The other members of the committee were even tamer—Bishop John Mugabe Sentamu (described by the *Guardian* as a "radical" cleric who has "championed the causes of women priests and anti-racism"); Tom Cook, an obscure laborer in the withered vineyards of "anti-racism"; and Dr. Richard Stone, chairman of the Jewish Council for Racial Equality.

The public inquiry opened on March 16, 1998, and was featured in the newspapers and on the television almost every day from then until the report's publication. While the Lawrences were listened to reverentially (Sir William chivalrously but wrongly halted the proceedings one day when Mrs. Lawrence protested, "Am I on trial or something here?"), left-wing extremists had a field day ranting about

police brutality, police corruption, police racism, and the racism they saw in every part of society. On June 29, 1998, dozens of dark-glassed, clip-on-bow-tied Nation of Islam skinheads stormed the building where the inquiry was being held. (The police had caused them to attack, according to the TV news!) On the way out, the five were pelted with bottles, and, understandably enough, they returned the punches thrown at them by the frenzied mob. The following day, the *Daily Mail* showed a photograph of the five, looking both afraid and angry as they went through the murderous crowd, under the caption "Faces of hate." The five were fair game for anyone; the black newspaper *New Nation* carried an article headlined "Do you know where they live?" and suggested that black Londoners might like to visit them and "offer our suggestions as to how their media image or indeed their facial features may be enhanced." When the Press Complaints Commission declared that the article was an incitement to racial hatred and violence, *New Nation's* editor replied, "I was shocked to receive the PCC letter. It's another example of them discriminating against the black community."

While the inquiry was continuing, other race-related stories kept the kettle boiling over. The chairman of the Commission for Racial Equality (formerly the chief executive of Lambeth Council at a time when several high-profile and well-documented cases of racial harassment of black staff by the council occurred) launched a hectoring extravaganza, lambasting everybody from soldiers and doctors to teachers as "racists" and trying to build up the levels of *angst* in the body politic generally. A memorial stone placed in the pavement where Lawrence had met his death was defaced several times (most recently on February 26, when a *black* youth was arrested). Sir Paul Condon, commissioner of the Metropolitan Police, a left-leaning man who had earned himself the nickname "PC PC" for his earnest attempts to combat racism in the force, began to face increasing pressure to resign, especially after he refused to accept that his force was "institutionally racist" (unlike his Manchester colleague, who knew on which side his bread was buttered). In an effort to avert the coming storm, Jack Straw said that there would be nationwide police quotas (euphemistically called "targets") for ethnic minority recruitment.

The report, issued on February 25 (al-

though leaked beforehand), concluded that the force was guilty of "racism, professional incompetence and bad leadership." But it went much, much further than that, offering a list of 70 recommendations, from multiple internal reviews to "sensitivity" training. The report also recommended that racial incidents should be considered to include both crimes and *non-crimes* and that both should be reportable 24 hours a day and investigated with equal thoroughness. Sir William then strayed far beyond his remit by arguing that the national school curriculum should reflect "cultural diversity" (as if it does not now!), suggesting that the rule against double jeopardy should be "reviewed," and saying that "racist" language and behavior, *even in private*, should be curtailed. As the *Daily Telegraph* declared, the proposals "represent the wild dreams of the Left, kept down, just, in the 1980s, and now reaching for power."

The effects of the report were predictable. The battle against crime, which the police were losing anyway, has been further hindered, and the police have become demoralized. A British Transport Police officer said that his fellow officers now think twice about arresting black or Asian suspects and that they were "spitting blood" about the media's inaccurate and unbalanced coverage of their work. The Home Office postponed the publication of a crime trend survey carried out by a senior female researcher which showed that black people are more likely to become involved in crime than Asians or whites. A feeling of resentment grew among whites, who began to realize that they really are second-class citizens in their ancestral homelands. This resentment was typified by a correspondent to the *Daily Telegraph*: "These proceedings have given grave offense to ordinary English people, most of whom have fathers or grandfathers who fought to put down real institutionalized racialism." But perhaps the last word ought to go to Steve Dunne, whose brother Patrick, a well-liked Clapham policeman, was killed six months after Lawrence's death by a black gang who were likewise released because of insufficient evidence: "If we don't counter blanket accusations with balanced realities, then we, the public, will be guilty of allowing our country to drift into anarchy."

Derek Turner is the editor of Right NOW!, published in London.

LAW

Matthew Shepard and the Thought Police

by Justin Raimondo

Long before the advent of “political correctness” as we have come to know (and hate) it, there was an active and ongoing campaign to outlaw “hate crimes.” This movement had its first big success in 1944, when 36 isolationists of varied backgrounds were indicted for sedition. In charging the defendants—who had nothing in common but opposition to the war—with engaging in a conspiracy to cause insubordination in the Armed Forces, the federal prosecutors did not bother to cite any facts to support their case. The entire basis for the government’s charge was the similarity of the defendants’ writings and beliefs. When the judge died, the government did not pursue the case, and the legal issue of thoughtcrime was left unresolved.

Politically, however, the idea that governments might criminalize certain thoughts was far from dead. The left, spearheaded by the Communist Party, launched a frontal attack on civil liberties, starting with the demand to revive and expand the sedition indictments: Their immediate goal was a show trial of the isolationists. But their long-range objective was far more radical, and they were not afraid to proclaim it openly.

In a pamphlet touted by Walter Winchell, professional anti-rightist Henry Hoke invoked the popular expression “there ought to be a law” to propose that “there should be laws, several of them, to prevent our nation’s being devoured by the bigots, the hate-peddlers, those who would deny equality to neighbors because of race, religion or national origin.” Furthermore, “there is no logical reason for refusing to extend our libel laws so that they protect the mass, as well as the individual.” If individuals can be hurt by libel and gain redress in a court of law, then why not whole classes of people? Hoke writes that stereotypes have victim-

ized minority groups: “these people actually have been hurt, personally, because so many still insist that freedom of speech also means freedom to lie.” Such laws, concedes Hoke, will not wipe out prejudice “because a good portion of those who spread it are mentally diseased and chances are, for the next few generations anyway, we’ll have the mentally diseased with us.” To meet their rather ambitious goal of wiping out all “mental disease” (i.e., political opposition) in a few generations, Hoke and his friends had a few suggestions to help things along:

There should be some kind of law which would treat the *causes* that produce the bigots and hate-peddlers. It’s nonsense simply to “punish” the overt act which the causes produce. A whole section of America’s Fascist movement . . . is made up of people who are mentally ill.

While we don’t punish lepers, “at the same time we aren’t stupid enough to allow the leper to roam freely about our community.” Lest they “contaminate” society at large, the political lepers of the postwar period have to be locked up and “treated” for their “mental disease,” for their own good as well as society’s. “Some machinery must be set up whereby our ‘mental lepers’ can be segregated and given proper medical care.” Of course, the Soviet Union had long ago set up such machinery, which came to be called the Gulag.

In 1950, the campaign to enact “group libel” legislation received important intellectual and political backing from a sociological study commissioned by the American Jewish Committee. It purported to show that “reactionaries” were not just wrong but were suffering from the mental disease of “status resentment”—and were dangerous to boot. As Theodor Adorno put it in *The Authoritarian Personality*, these “pseudo-conservatives” show “conventionality and authoritarian submissiveness” on the surface; in the “unconscious sphere,” however, lurks “violence, anarchic impulses, and chaotic destructiveness.”

Throughout the 1950’s, the Anti-Defamation League of B’nai B’rith, in alliance with black civil-rights organizations, pushed “group libel” laws in tandem with civil-rights legislation, and

at least one state, Illinois, passed such a law. But the push for limitations on speech in the name of combating racism took a back seat to the more acceptable civil-rights legislation outlawing discrimination in housing, employment, and other “public” accommodations.

In an important sense, however, these two legislative proposals were twin prongs of the same weapon, both aimed at the heart of American liberty. Each sought to criminalize the thought, not the deed. Since the intent to discriminate cannot be proved without the assistance of a mind-reader, both the judge and jury must surmise and weigh the thought-processes of the defendants.

The movement to enact “group libel” laws did not evolve overnight into the effort to enact federal hate-crime legislation. It has been half a century since Hoke, Adorno, and their sponsors dreamed of silencing the right with legal strictures on “hate.” Their scheme, and the brazen confidence with which they pursued it, was born in war-time, naturally enough. Today, another kind of war is giving new impetus to the assault on civil liberties. The ongoing culture war is a civil war, and a particularly vicious one, fought in movie theaters and on television screens rather than in the streets—for the moment, at least. The stakes are nothing so uninspiring as the exact location of national boundaries: The contested terrain is the territory of the soul. In the aftermath of this war, the Henry Hokes of the “hate crime” brigade are at hand to give the legal imprimatur to the dictatorship of the victorious Allied Powers—Washington, New York, and Hollywood. Flushed with their victory over traditional American culture, the triumphant Allies have set out to make an example of anyone who would flout their will.

As a reactionary holdover from the old culture, “homophobia” is a promising area for the heirs of Henry Hoke to make the link between “hate speech” and “hate crimes.” Just as anti-porn feminists and their Christian fundamentalist allies depict pornography as the theory and sex crimes as the practice, so the left is now arguing that “anti-gay” rhetoric by the “far right” emboldens and incites violence against homosexuals. When Christian fundamentalist groups bought a series of newspaper ads averring that ho-

mosexuality is a choice and offering counseling services, gay-rights activists literally screamed bloody murder.

In retrospect, it seems almost inevitable that 21-year-old Matthew Shepard would become the poster boy martyr of the “hate crimes” movement. A 105-pound, slightly effeminate student at the University of Wyoming, Shepard was an intelligent lad who wanted to become a diplomat and dreamed of being famous. He was also a homosexual with a troubled history of depression and suicidal tendencies. According to his mother, Judy Shepard, Matthew “wasn’t a saint. He was just a young man in search of himself.”

That search ended in a Laramie, Wyoming, bar, from which Matthew voluntarily accompanied two young thugs to their truck. According to the testimony of one of the thugs’ girlfriends, Shepard made an advance to the two young men. News accounts describe Shepard as having been “lured” out of the bar. Whoever lured whom, Shepard was murdered, and the gruesome details were broadcast far and wide. Gay activists immediately adopted Shepard as their official martyr, pointing to the grisly sight as an example of why hate-crimes legislation is needed.

But far from bolstering the case for such legislation, the Shepard incident only dramatizes its inapplicability to the ambiguity and complexity of real life. Matthew’s instant elevation to martyrdom was assured by the story that went out over the newswires: The gentle would-be diplomat, product of a warm and loving middle-class home, who had gone to school in Europe and spoke four languages, had been brutally bludgeoned to death by two homophobic brutes. To ask why such a smart young man would get into a truck with two brutish-looking strangers twice his size is “blaming the victim,” a hate crime in itself.

According to the prosecutors, the two defendants, Aaron McKinney and Russell Henderson, told Shepard they were gay. After getting Shepard into McKinney’s pickup, they told him, “We’re not gay—you’ve been jacked.” Shepard already had been beaten twice that year, although few have asked whether this was due to a proclivity for rough trade. In an interview with Katie Couric on NBC’s *Dateline*, Judy Shepard said that her son had been involved in a series of violent incidents, including a gang rape in Morocco when he was a high-school senior.

The defendants, on the other hand, hardly fit the role of the villains that a show trial requires. McKinney and Henderson are a couple of small-time losers who saw, in the slightly drunk and routinely reckless young Matthew, a chump waiting to get jumped. The only evidence of their alleged crime of “homophobia” is hearsay based on the testimony of one of the girlfriends—both of whom are also being charged with hiding evidence and providing false alibis—who says McKinney and Henderson wanted to “teach him a lesson” not to make passes at heterosexuals. But the bartender who served them remembers that they paid for their five-dollar pitcher of beer with change. Two high-school dropouts sitting in the middle of nowhere, going nowhere, and in walks Matthew Shepard, well dressed, well traveled, well versed in such subjects as international law and the history of American diplomacy. Far from having been incited by the religious right, McKinney and Henderson seem to have been inspired more by economics: The police maintain that their plan was to burglarize Shepard’s apartment. Who is to say whether their motive was envy, greed, hatred of homosexuals, or boredom?

That justice is the last thing on the minds of those pushing hate-crimes legislation was starkly dramatized by the statement of a coalition of 11 gay-rights groups denouncing Wyoming prosecutors as “barbaric” for seeking the death penalty for McKinney and Henderson. Apparently the groups’ preferred punishment is a lifetime of “re-education” and gay sensitivity training—although some would say that is a fate worse than death.

Justin Raimondo writes from San Francisco.

America’s Race Paradigm

by William H. Peterson

The *Economist* brands racism as “America’s constant curse,” and the question of race unnerves almost everybody, as the Civil Rights Act of 1964 airily outlaws discrimination in government, commerce, and schooling on grounds of race, gender, age, religion, or national origin, and the new, openly politicized

White House policy on affirmative action (“mend it, don’t end it”) puts on hold the past 35 years of racial strife—strife that has compounded, not caused, the racial problem.

But what is race? How is it defined? And, as an official policy tool, is race lending itself to the law of unintended consequences, spawning racial disharmony rather than harmony?

In my view, the concept of “race” is fatally flawed, both in and out of law. As the Census Bureau gets set to take the 2000 census, check out its oblique definition (which can be found in the 1998 *World Almanac*):

The concept of race as used by the Census Bureau does not reflect any clear-cut scientific definition of biological stock. The data for race represent self-classification by respondents. Persons could identify their race by classifying themselves in one of the categories listed on the census form—that is, white, black, American Indian, Eskimo, Aleut, Chinese . . .

. . . and so on through a long list of racial boxes ending with an exception for Hispanic. The Census Bureau concedes that no specific race can be inferred from the category “Hispanic”; a person of “Hispanic origin may be of any race.” Of course, the Bureau supplies an “other race” category that “includes persons not included in the race categories described above.” But doesn’t this catch-all phrase marginalize those who check off this box, relegating them to outsider status? Indeed, doesn’t the whole race-by-race approach of the Census Bureau make for a race-by-race undercount, overcount, or—certainly—miscount? Doesn’t this approach yield doubtful quota formulas for the Equal Employment Opportunity Commission and its army of allied lawyers who “prove” racial underrepresentation in employee staffs, college admissions, bank lending patterns, etc.?

The Census Bureau says that the diversity of America’s population will continue to increase; by 2050, based on current trends, the non-Hispanic white share of the population is projected to fall from the current 73 percent to 53, the African-American share to increase from 13 to 15 percent, and the Hispanic share to more than double, from 11 to 24 percent. The implications of increasing population diversity for American employers, lenders,

universities, and others operating under the federalized affirmative-action program are portentous. Civil-rights advocates and their lawyers should find their business booming.

Yet consider Ward Connerly, business entrepreneur, vice chairman of the University of California board of regents, and chief advocate of California's Proposition 209, which bars the state from favoring minorities in such matters as state contract awards and college entrance ratios. Connerly sees himself as an unhyphenated American and asks other states to follow California's race-blind lead, as Washington State did in 1998. Still, in the matter of affirmative action, who is in charge: the states or the feds? Ultimately, the U.S. Supreme Court will decide—one hopes on the grounds of the First, Ninth, and Tenth Amendments, which reserve such decision-making to the states or the people themselves. But however the Court rules, the question of different "races" will remain.

As Connerly says:

There are those who say that race matters, that we have to use race to get beyond race. Then, there are those of us who believe, as President Kennedy said in 1963, "Race has no place in American life or law."

Ludwig von Mises attacked Nazi Aryan race theory in his *Omnipotent Government* (1944): "It is certain that there are today no pure stocks within the class or race of white-skinned people." Richard Dawkins, lecturer in zoology at Oxford University and author of the best-selling *The Selfish Gene* (1989), holds that

conceivably racial prejudice could be interpreted as an irrational generalization of a kin-selected tendency to identify with individuals physically resembling oneself, and to be nasty to individuals different in appearance.

"Race," as you can gather, defies precise definition—apart from *Homo sapiens*, the human race. Alone among the Earth's species, man possesses *sui generis* characteristics: among them, vertebrate backbone, upright posture, hands, distinguishing hair, and advanced nervous systems. The striking system is the human brain, which empowers spoken and written language, abstract thought, rational

intelligence, economic calculation, and the development of a culture of the arts.

"Races" (in the sense of variegated subdivisions of the human family) are complicated by the fact that every individual in that family is himself unique, distinct, dissimilar from each of his fellows, and yet broadly similar to them. Further complications arise through the association of racial classifications with different languages, cultures, and regions.

Today, some scholars are challenging the politically correct race concept. For example, Mary Lefkowitz, a professor of classics at Wellesley College, writes: "In ancient Greece, slaves could be of any color depending on who had been conquered. There was no Greek word for race." And Kenneth K. Kidd, professor of genetics and psychiatry at Yale's Medical School, claims:

When I look at DNA, I see no racial differences. There tend to be more DNA variations within each population group than between groups, and such variation is present broadly around the world within every population.

Yes, affirmative action rightly targets discrimination. But it uses the wrong methods: state coercion and numerical quotas. It also ignores many of the important problems that face minorities today, problems that the government itself has caused: disastrous public schools, the disintegration of the family through welfare, the subsidization of out-of-wedlock births, a sorry criminal-justice system, and disincentives and moral hazards targeted at black neighborhoods, including relief payments, public housing, food stamps, and minimum wages.

Above all, government intervention in "racial" matters contravenes the First Amendment right of freedom of association and the entire Bill of Rights philosophy of free choice under the rule of law. Uncle Sam seems to be saying, "Love thy neighbor—or else." In a nutshell, the official view of "race" makes for a weak reed to enforce a national policy of racial "diversity." Force doesn't square with due process. Affirmative action is wrong-headed and counterproductive. It mocks the very civil rights that it purports to uphold and lends itself to racial polarization. It hits at voluntarism, choice, and consent, and meddles in free markets which could otherwise ease racial tension and result in greater social mobility,

harmony, and, in the broadest sense, community.

The answer to forced affirmative action is "end it, don't mend it." The answer is, broadly, unforced affirmation—an era of good will for all *Homo sapiens*: mutual grace, mutual compassion, mutual respect, and mutual cooperation all around.

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FILM

Reel Crimes, True Illusions

by George McCartney

True Crime

Produced by Malpas Productions

Directed by Clint Eastwood

*Screenplay by Andrew Klavan
and Larry Gross*

Released by Warner Bros.

The Matrix

*Produced by Groucho II Film Partnership
and Silver Pictures*

*Directed by Andy Wachowski
and Larry Wachowski*

*Screenplay by Andy Wachowski
and Larry Wachowski*

Released by Warner Bros.

Clint Eastwood's *True Crime* lives up to its name: It is a truly criminal assault on our credulity. With numbing predictability, it recycles the old death-row execution-eve story.

The condemned man is Frank Bechum, the quintessential victim, an innocent black man in the wrong place at the wrong time. He is played by Isaiah Washington with a studied, almost airless nobility that is, amazingly, one of the few convincing touches in this otherwise pre-

posterous film.

Beachum has been fingered by a mealy-mouthed white accountant—nicely played by Michael Jeter—who stumbled upon a botched hold-up and saw what his racist mind wanted to believe. Need I add that Beachum is a solid family man with a devoted wife and darling daughter?

Enter our hero: Clint Eastwood as Steve Everett, recovering alcoholic, inveterate womanizer, and unrepentant smoker. He is feckless and reckless, but he has got this “nose for truth.” No, I am not kidding; it is in the script. The moment he meets Beachum, he knows he is talking to a saint in prison clothes. Of course, his intuition is given a boost by the presence of Beachum’s wife and five-year-old daughter. They just happen to be in the cell taking tearful leave of the long-suffering victim when Everett arrives. Still, he has got to make sure. Eastwood squints at Beachum and raspily echoes one of his Dirty Harry signature lines: “So I gotta ask you, did ya kill that woman or didn’t ya?” To borrow Oscar Wilde’s observation on the death of Little Nell, it would take a heart of stone not to laugh at such flummery.

Despite a shamelessly hackneyed script and artless direction, I am happy to report this film nevertheless does have something to say. No, not about capital punishment or racism; these issues merely serve as window-dressing to frame its two really important messages. First, Clint remains indomitably virile at 68; and, second, smoking cigarettes is an act of principled defiance against a world of spineless conformity.

We first see Clint at a bar nearly convincing a 23-year-old beauty to share her bed with him for the night. When she turns him down ever so reluctantly, he resorts to bed B. In the next scene, we find him postcoitally naked with his obviously satisfied 30-ish mistress. (Ah, if that 23-year-old only knew what she had missed!) Now, there is no doubt Clint’s torso looks good . . . good, that is, for a man doddering toward 70. His pecs do not sag nearly as much as most geezers’, nor are his biceps as flaccid. A geriatrician would no doubt find this impressive. But the rest of us? Even Cary Grant knew enough to keep his shirt on once gravity got to him.

Eastwood also seems to be bedding down with the tobacco industry. Why else would all the appealing characters smoke while the uptight fussbudgets and hypocrites strenuously refrain? Clint

puffs away in defiance of his newsroom’s smoke-free policy and its enforcer, a fumeless Denis Leary, the same guy he is cuckolding. I’ve grown weary of film plots tailored to accommodate close-ups of big-name actors savoring Marlboros. These are men whose evident fitness bespeaks numerous hours in the gym. Of the smokers you know, how many retain personal trainers and jog 30 minutes a day?

Well, honesty has a short shelf-life in Hollywood. And this brings me to the prison chaplain, played smarmily by Michael McKean. We first meet this Roman Catholic priest in the men’s room, where he is checking his lightly dyed coiffure, his teeth, and his practiced smile. He is preparing to visit Beachum and obviously hopes to score a little death-row repentance to advance his career. Even when Beachum angrily tells him that he would prefer to wait for a minister from his own church, this unctuous, self-serving cleric will not let up.

Now, I have known many priests. Their ranks undoubtedly harbor a percentage of the vain and self-involved. But I strongly suspect that this portion is not rushing to sign up for death-row duty; it’s simply not the preferred path to ecclesiastical advancement. Furthermore, seminaries today exhort their young men not to interfere in ministries other than their own. News flash to Hollywood: The Spanish Inquisition closed shop some time ago. What is it with film writers? Are they tendentious or merely ignorant? In any event, *True Crime* makes *Angels with Dirty Faces* look like the gold standard of gritty realism.

Have you ever suspected that what we call reality is an elaborately contrived fiction or, as a character in *The Matrix* puts it, a “world pulled over your eyes to blind you to the truth?” A needless question. Of course you have; otherwise, you would not be reading this magazine. It is this suspicion that the Wachowski brothers, Andy and Larry, explore with luminous imagination in their second film.

The Matrix is an intriguing live-action comic book with big ideas on its mind. It shimmers with an undergraduate sophistication that seems primed by a perusal of George Berkeley’s philosophy. Where does the mental world end and external reality begin? If no one is there to listen, is there a thud in the forest when the tree keels over? More to the point, *if esse est percipi*, is there a forest at all? Is it true that nothing exists unless perception

makes it so?

Of course, in Berkeley’s vision, reality is underwritten by a Benevolent Perceiver whose eternal vigilance props up the solid world around us. Such benevolence, however, is unavailable in *The Matrix*. Here, the ultimate perceiver is a consortium of computers, and they are definitely not our friends. The year is 2199, and the computers have been in charge for nearly two centuries. Human beings are stored in womblike pods, their minds plugged into a virtual reality that mimics the world of 1999 in every last detail. It seems the machines need to keep us around so they can harvest the electric energy in our bodies. We have become their batteries. (Don’t ask; it is science fiction.) In a particularly chilling scene, a pink-skinned infant is tucked into the metal womb of a machine that looks like an especially repellent arthropod. No doubt the child will serve to power up a chip or two.

But all is not lost. A remnant of the race has escaped the Matrix, led (appropriately enough) by Morpheus (Laurence Fishburne, who plays his role with sly good humor). He is accompanied by Trinity, played by Carrie-Anne Moss with little more than an astonishingly lithe body and a beautifully determined face, which in her case is quite enough. They are on a quest. At some unspecified time in the past, a man escaped the techno-dream and began to wake his fellows to their plight. Although he died, he promised to return. Morpheus thinks he has found the second coming of this savior in, heaven help us, Keanu Reeves, who plays a programmer known as Neo. (Names are not the film’s subtlest point.) Other than occasionally selling contraband computer programs, Neo is a conventional young man. Still, he is vaguely uneasy. Why? He does not know. Morpheus must tell him. “You felt all your life that there’s something wrong with the world. All your life, like a splinter in your mind driving you mad.” I don’t know about you, but I can identify with this.

Reeves invests his character with a look of stunned incomprehension that is just right for the first two-thirds of the film. Unfortunately, the look does not leave him when, in the last reels, he is supposed to step heroically up to the plate. By this time, however, the film’s allegory has taken a back seat to its special effects, and acting is not all that essential. For reasons known only to the Wachowskis, our savior of the 22nd century

must be able to walk on ceilings, leap across rooftops, literally dodge bullets, and engage in aerial kung-fu battles of wall-smashing fury. Well, why not? Didn't Edmund Spenser dress the Red Cross Knight, his allegorical savior, in armor and give him a dragon to battle in *The Faerie Queene*? And didn't Ian Fleming steal this conceit from Spenser when he had James Bond redeem himself by vanquishing the reptilian Blofeld in *You Only Live Twice*? (The book, not the movie, of course.) Whether on the page or on the screen, such stunts are part of a long and entertaining tradition. They do hold the attention, especially of the young. And when all is slammed and smashed, when the battle's dust has settled, we may finally get the point.

There is one special effect I particularly liked. Some scenes are set against a brilliantly blank screen in which the actors move as though suspended in undefined, illimitable white space. No floors, walls, or ceilings. "This is the construct," Morpheus explains. It is a programming platform on which various "realities" can be projected, a sort of epistemological blank slate that would doubtlessly appeal to Bishop Berkeley. We see various locales projected onto it—a city street in 1999, a nuclear-scorched Earth from 2199, a kung-fu gymnasium. I was reminded of a similar sequence in *Sherlock Jr.* (1924), in which Buster Keaton dreams he is stepping into a movie only to find himself buffeted about under the blows of a lightning montage. He finds himself first in front of a mansion, then in a lion cage, next at the North Pole, then in a desert, and so on. Keaton loved to play with the medium, and so do the Wachowskis. They find delight in all its potential, not just in special effects.

There is a beautiful scene near the beginning when Neo is about to discover the truth about his life. He finds himself in a dark warehouse district, looking through an arched overpass from which rainwater cascades onto the pavement below. While he stands in deep shadow on the left of the screen, the stone arch is bathed in brilliant, watery light on the right. The shot visually beckons him to his rebirth.

The Wachowskis remember what so many other filmmakers have forgotten: Special effects are not enough. As their narrative hopscotches from one illusion to the next, it pauses time and again for moments like these. There is another one midway through the movie, when

Neo visits the tenement apartment of a middle-aged black woman (Gloria Foster, in a perfectly understated turn). Her hair is arranged in a 40's marcel, and she is busy baking oatmeal cookies in her cluttered kitchen. There is a small radio perched on top of her stained refrigerator, and we can hear Ella Fitzgerald softly singing "I'm beginning to see the light." It is meant to be an analog to the arch scene.

This is a pivotal moment, so I will not say any more. I only mention it to suggest the cleverness of this sleek studio confection. The Wachowskis know that any self-respecting fantasy must have at least a toehold in the real world. In fact, they have much more. A visual imagination like theirs could very well establish a genuine foothold in our popular culture.

A word of reservation. *The Matrix* is the Wachowskis' second film. I have watched their first, *Bound* (1996), on videotape. It is a cleverly plotted, beautifully photographed, but finally repellent film about lesbians outwitting the Mafia. It includes scenes of unusually graphic torture and—dare I say it in the matrix of 1999?—sexual grappling of a glaringly gratuitous nature. I confess I am puzzled that the brothers could be the authors of both works. But then, they are only in their early 30's. Excess can be forgiven in the young.

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SOCIETY

Cheap Thrills

by Janet Scott Barlow

Recently, the *New York Times* ran an article that described, at some length, California's latest tourist attraction, a "theme park and dinner theater" called Tinseltown Studios. Located, appropriately, just a stone's throw from Disneyland, Tinseltown is a \$15 million complex that exists for the purpose of "simulating fame." Purchase your \$45 ticket ("designed to look like exclusive gala invitations"), and the following encounter with simulated fame awaits: You "walk to a large grated door, which opens

to reveal a red carpet and banks of klieg lights." A throng of teenagers descends on you waving autograph pads, followed by paparazzi setting off flash bulbs in your face, reporters brandishing note pads, and television crews stopping you for interviews.

And that's only the beginning. At dinner (choice of steak or salmon entrée, drinks extra), you will watch a video reprise of your "red carpet interview," see yourself magically edited into a famous movie such as *Psycho* (in this context, a quite appropriate choice), then participate in the event's climax: a "faux awards show" honoring the evening's best "actor" and "actress," an honor that you, having paid \$45 for faux fame, are in reality (if that concept has any meaning here) dearly hoping to simulate.

The *New York Times* described Tinseltown as a vehicle for "fame at its most basic: being recognized and appreciated by a roomful of people you don't know." Except, of course—and this is a mere technicality—it's all fake. As the wife of an entrepreneur, I have respect for both the market system and the desires of consumers, and I think Tinseltown is a near-genius example of niche marketing. As an observer of our shared culture, however, I believe it's about as depressing as things get. How have we reached the point where 700 adults a night will drop half a C-note each to pretend publicly, and in the company of other pretenders, that they are movie stars?

We know the list of possible answers. There is the influence of Jerry Springer and trash TV, where guests are more than willing to be degraded in order to be noticed. There is the Oprah factor in the evolution of our confessional society, in which feelings of pain in the course of life—a universal experience—are transformed into evidence of uniqueness. And there is the mainstream media, whose find-the-drama coverage of human tragedy has come to make even grieving parents aware that they owe the cameras something on the order of a performance.

The list continues, but I won't. As far as I'm concerned, the single most direct and powerful influence on the creation of Tinseltown was the election of Bill Clinton, the man who legitimized neediness as a form of charisma. What Clinton wanted from the presidency was exactly what the *New York Times* described as elemental fame: "to be recognized and appreciated" by a roomful (or a country-

ful) of people he didn't know. A roomful of strangers, for instance, was where Bill Clinton found himself when he heard the question, "Boxers or briefs?" And "recognition and appreciation"—as opposed to dignity—were what he sought when he basked in the focus the question generated, hesitating just long enough before responding to intensify that focus, finally succumbing in his answer to the temptation to give a cheap thrill in order to get one. That moment has been repeated in other forums a thousand times since.

The reason Bill Clinton and Hollywood celebrities have such an affinity for one another (aside from a shared sense of moral relativism) is that they are the only people in the country with the perceived status to function as each other's groupies. So great is the maw of Clinton's need that an infinite number of very small people can find their way in. He reflects the office of the presidency in the same way *General Hospital* reflects the world of medicine, which is to say, as melodrama. His tenure as President has been played out not to a nation but to an audience, and the resultant spectacle has been appropriately vulgar, including his affectations of machismo, the soap opera that is his marriage, and the baseness of his chosen physical gratifications.

After six years of Bill Clinton and cheap thrills galore, we have arrived at Tinseltown Studios in Anaheim, California. Lest you doubt the connection between the election of Clinton and the creation of Tinseltown, I refer you one last time to the *New York Times*, whose article on the new theme park noted that the "dream of being famous" is alive among the common folk, despite their awareness of the "endless intrusions into the private lives of celebrities from Dennis Rodman to Bill Clinton." If the *New York Times*, the "newspaper of record," sees fit to describe the President of the United States first and only as a "celebrity," and further sees fit to put him in the same celebrity company as a piece of work like Dennis Rodman, how will we ever find our way back? Open a Tinseltown in every mall in America—we might as well live there.

Actually, there is a better idea, one just as logical as Tinseltown and probably just as lucrative. Let's call it Presidential Town. Buy a ticket and you can take a virtual reality ride on Air Force One, make a fake State of the Union address, choose interns for "counseling," lie your

head off, and cry in public. While surrounded by ill-treated Secret Service agents, an angry wife, and an undisciplined dog, you can make mistakes and then blame them on others. You can even bomb Iraq and Serbia. And every so often you can pretend to be sorry for your failings. (If you're really into Clinton-style simulated fame, that will require you to pretend to pretend to be sorry. Things get tricky fast in Presidential Town.)

The one thing you won't find in Presidential Town is Bill Clinton. With his inclinations, he's sure to be over in Tinseltown, walking the red carpet, giving interviews about his feelings, and accepting his best actor award. I'll never watch *Psycho* again.

Janet Scott Barlow writes from Cincinnati, Ohio. Her website, "Out Here: Commentary From Middle America on Politics and Culture," can be accessed at www.Out-Here.org.

GUNS

Arms and Thomas Jefferson

by Dave Kopel

The greatest enemy of government power in the early American republic was Thomas Jefferson. It is no wonder, then, that Jefferson has been so aggressively vilified by the partisans of political correctness. Jefferson was likewise disdained by many in the 19th and early 20th century who, quite rightly, saw his ideas as an obstacle to the extensive national regime they wished to build.

How sad it is to recall that the current occupant of the White House bears the middle name "Jefferson"—though the real Jefferson taught his nephew Peter Carr:

Nothing is so mistaken as the supposition that a person is to extricate himself from a difficulty, by intrigue, by chicanery, by dissimulation, by trimming an untruth, by an injustice . . . It is of great importance to set a resolution, not to be

shaken, never to tell an untruth.

William Jefferson Clinton's disdain for the truth is matched by his contempt for another Jeffersonian principle—the importance of arms to a free people. In the same 1785 letter to Peter Carr, Jefferson advised the 15-year-old about building character through sport shooting:

A strong body makes the mind strong. As to the species of exercise, I advise the gun. While this gives a moderate exercise to the body, it gives boldness, enterprize, and independence to the mind. Games played with the ball and others of that nature, are too violent for the body and stamp no character on the mind. Let your gun therefore be the constant companion of your walks.

Jefferson's views on the importance of arms in the training of youth remained strong two decades later. As he wrote in his 1818 *Report of the Commissioners of the University of Virginia*: "the manual exercise, military maneuvers, and tactics generally, should be the frequent exercise of the students, in their hours of recreation."

Jefferson believed that the benefits of early training in arms extended to more than good character. As he pointed out to Giovanni Fabbroni in 1778, the Americans had a lower casualty rate than the Redcoats. "This difference is ascribed to our superiority in taking aim when we fire; every soldier in our army having been intimate with his gun from his infancy."

Even so, Americans were not as well armed as Jefferson wished. In *Notes on the State of Virginia* (1782), Jefferson explained the arms shortage that had developed during the Revolutionary War:

The law requires every militia-man to provide himself with arms usual in the regular service. But this injunction was always indifferently complied with, and the arms they had have been so frequently called to arm the regulars, that in the lower parts of the country they are entirely disarmed.

So, as President, Jefferson successfully urged Congress to appropriate federal funds to provide firearms to state militia-men who did not own their own guns.

Congress complied, and during Jefferson's second term and Madison's first, "public arms" were supplied at federal expense to state militias all over the nation.

The militia was intended to prevent the conquest of America, not only by a foreign power but also by a centralized national government and its standing army. At his first inaugural, Jefferson explained that "a well-disciplined militia" is "our best reliance in peace and for the first moments of war, till regulars may relieve them," and also a guarantee of "the supremacy of the civil over the military authority." For Jefferson, there was an intimate connection between sovereignty and the possession of arms. As long as the people were armed, the people would rule.

In an 1811 letter to Destutt de Tracy, Jefferson acknowledged that demagogues could arise. But while the force of a demagogue

may paralyze the single State in which it happens to be encamped, sixteen other, spread over a country of two thousand miles diameter, rise up on every side, ready organized for deliberation by a constitutional legislature, and for action by their governor, constitutionally, the commander of the militia of the State, that is to say, of every man in it able to bear arms; and that militia, too, regularly formed into regiments and battalions, into infantry, cavalry and artillery, trained under officers general and subordinate, legally appointed, always in readiness, and to whom they are already in habits of obedience.

In France, thought Jefferson, the republicans fell because there were no local centers to resist national control.

But with us, sixteen out of seventeen States rising in mass, under regular organization, and legal commanders, united in object and action by their Congress, or, if that be in *duress*, by a special convention, presents such obstacles to an usurper as forever to stifle ambition.

Without arms, the weak fall prey to the strong, as in the feudal system of Europe, where the largest and the strongest made quasi-slaves of the rest. But as Jefferson

explained in his famous October 1813 letter to John Adams, the proliferation of firearms had allowed an aristocracy of virtue and talent to supplant the aristocracy of brute force:

For I agree with you that there is a natural aristocracy among men. The grounds of this are virtue and talent. Formerly, bodily powers gave place among the aristoi. But since the invention of gunpowder has armed the weak as well as the strong with missile death, bodily strength, like beauty, good humor, the politeness and other accomplishments, has become but an auxiliary ground for distinction.

Because arms and sovereignty were so bound together, Jefferson argued that property ownership should not be the sole basis for voting rights. As he wrote to Samuel Kercheval on July 12, 1816, anyone who served in the militia deserved the vote: "Let every man who fights or pays, exercise his just and equal right in their election." Indeed, as Chilton Williamson, Sr., detailed in his 1960 book, *American Suffrage from Property to Democracy, 1760-1860*, arguments like Jefferson's were used throughout the United States to broaden suffrage.

What of those excluded from the poli-

ty? Jefferson recognized that, if the slaves were ever armed, slavery would end. As he wrote to Edward Coles in 1814:

the hour of emancipation is advancing, in the march of time. It will come; and whether brought on by the generous energy of our own minds; or by the bloody process of St Domingo, excited and conducted by the power of our present enemy [England], if once stationed permanently within our Country, and offering asylum and arms to the oppressed, is a leaf which our history has not yet turned over.

Modern gun-prohibition advocates sometimes assert that guns, while they might have been all right in Jefferson's time, are so often misused today that ordinary citizens should not be allowed to have weapons. The most sophisticated version of this theory has been developed by Indiana University law professor David Williams in articles in the Yale, Cornell, and New York University law reviews. Since Americans today are no longer virtuous and united, they are no longer "the people" envisioned by the Second Amendment, Williams writes; accordingly, the Second Amendment right to arms has disappeared.

Jefferson would not have agreed, for

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he was familiar with the frequent misuse of guns. Writing to his grandson Thomas Jefferson Randolph, he emphasized the necessity of

never entering into dispute or argument with another. I never saw an instance of one of two disputants convincing the other by argument. I have seen many, on their getting warm, becoming rude, & shooting one another.

If the widespread presence of guns in Jefferson's Virginia led to needless deaths over petty arguments (just as it would on the 19th-century American frontier, or in the 20th-century inner city), how could Jefferson still champion the right to arms? The answer is simple: He recognized that a disarmed people would not, in the long run, remain an independent, responsible, and free people. The price of trying to save fools from their folly would be the loss of liberty for all.

In June 1776, three weeks before the Declaration of Independence, Jefferson's

draft constitution for Virginia set forth the first constitutional proposal in human history to provide for a right to arms. (The 1689 English Bill of Rights included such a right, but that measure was only a statute.) Jefferson's proposal that "No freeman shall be debarred the use of arms within his own lands or tenements" was not adopted that year. But the Jeffersonian intellectual revolution was only beginning. Writing in 1824 to the great English Whig John Cartwright, Jefferson could observe: "The constitutions of most of our States assert, that all power is inherent in the people; . . . that it is their right and duty to be at all times armed."

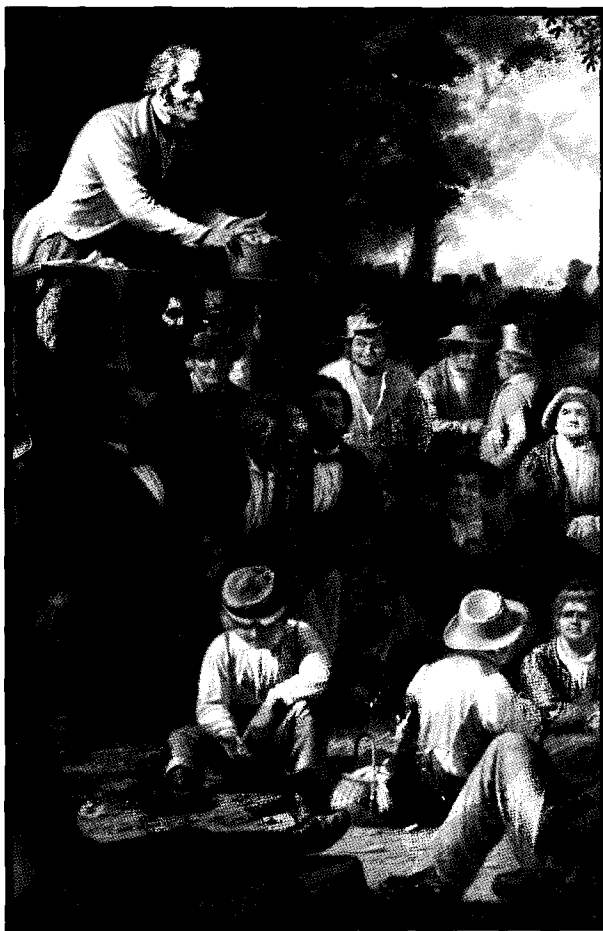
A few days before his death on July 4, 1826—the 50th anniversary of the Declaration of Independence—Jefferson could see that the revolution he had helped to spark was burning throughout the world:

All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of

mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are the grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.

This Fourth of July, take some time out from baseball, hot dogs, apple pie, and Chevrolet, and ponder what the holiday really commemorates: the American Passover, the beginning of a long national journey toward freedom, founded on the truth that God created man to be free. What will you do to nurture the legacy of freedom and responsibility bequeathed to you by Thomas Jefferson?

Dave Kopel is an adjunct professor of law at the New York University School of Law and research director with the Independence Institute.



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Is there anything *Chronicles* editors can't speak on?
(Okay, we're still looking for a physicist.)

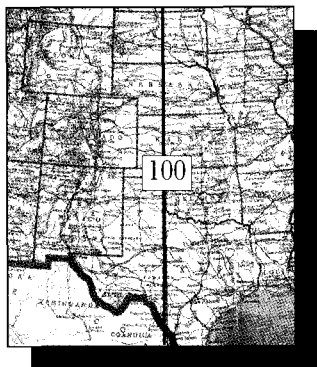
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by Chilton Williamson, Jr.

Home and Abroad

The stock market is over 10,000, Michael Kinsley exhorted Pat Buchanan recently, and so America can do as it likes internationally in the exercise of the U.S. megamilitary machine that Madeleine Albright has been slaving, throughout her Foggy Bottom years, to activate. America, according to journalistic convention, is fat, happy, and content, having arrived finally after half a millennium at El Dorado, the Seven Cities of Cibola, and the Fountain of Youth, gathered together in one immense, Disneyesque theme park. That leaves me and a few forlorn friends—so it seems, anyway—hunkered down away from the crowd, kicking against the pricks. Either they're crazy, or we are. From our point of view, the stream of bad news is unrelenting, from Koppel to Kosovo; but, as the works of Gibbon, Robert Conquest, and a few others suggest, times have been bad before. American exceptionalism, though, does seem to be shot: growing tyranny, European-style, at home masked by appeals to accustomed tyranny of the bureaucratic variety in the European countries, not to mention elsewhere. (We used to think of Europe as the Bad Old World, the American nemesis: Today our New World politicians prod us along the trail of a smothering progressivism blazed by European predecessors.)

With these and other melancholy thoughts in mind, I commenced my annual spring ramble across the American West, driving north from Las Cruces, New Mexico, toward a rendezvous with Dick McIlhenny and Bill James in Antonito, Colorado, 394 miles north. Before I reached Socorro, New Mexico, only 130 miles upriver on the Rio Grande, National Parrot Radio was announcing new bombing raids against Yugoslavia, and the exodus of another 100,000 or so refugees from Kosovo province. We are in fact the World's Cop now—and a bought one into the bargain. Talk about destroying the village in order to save it. No one expects Bill Clinton to have a cultural memory, but what about a personal one? Is this Alzheimer's or hypocrisy? Maybe just syphilitic dementia. Seventy-three percent of the Ameri-



can public approves of the Yugoslav war, according to the polls: interestingly, the same number pollsters said supported Clinton in his battle against the 13 House managers. What do these figures mean? I personally don't know *anyone* who believes the President ought to have been acquitted by the Senate, *or* supports aggression against the Yugoslavs, though I did read recently about a newspaper columnist and clitorista who swore she'd be happy to get down on her knees and service Bill Clinton herself in gratitude for his determination to keep abortion legal—rather an extreme gesture, it seemed to me, for even a Friend of Bill to make. But feminism, like the law, is “a ass,” though not necessarily the kind Dickens had in mind.

The snow was gone from the uplands of northern New Mexico and San Antonio Mountain, and the thermometer registered in the 70's as I drove into Antonito at the southern end of the San Luis Valley in southwestern Colorado, where Dick and Bill had arrived a couple of hours before from Denver. We had a beer and drove to the Conejos County sheriff's office looking for Joe Taylor, a semi-retired deputy who has witnessed numerous phenomena in the line of duty, including what he believes to be the tracks of a Bigfoot on the bluff above the Conejos River. Mr. Taylor was off duty that evening, but he instructed the dispatcher to direct us to his home on a dusty side street not far from the old Catholic church in Antonito. His son, Joe Jr., a full-time deputy, had the video of the tracks, so his father described for us the bizarre lights in the sky over the San Luis Valley—meeting searchlights that seemed to open a window in the sky at night and glowing spherical objects the

size of a softball that skim several feet above the surface of the ground—while we waited for the younger man to show up. (The year before, Bill James had heard similar stories from the tow man who rescued his motorcycle from a back road in the mountains above the Alamosa River.) When Joe Jr. arrived he mentioned, good-naturedly, the ribbing he received from some several of his colleagues, then rolled the tape, which the Taylors believe show the tracks of an immature Bigfoot beside those of an adult one in the snow. While Dick, Bill, and I were not entirely persuaded of the presence of two creatures, the prints themselves looked entirely natural and convincing. Joe Sr.'s ladyfriend put in that, about the time the tracks were discovered, the neighborhood dogs were strangely aroused and one was found crushed to death, its throat punctured by fangmarks. Noting that alleged Bigfoot sightings often coincide with appearances of the unexplained lights, she suggested the two are related in some way and that both are of extraterrestrial origin. Other residents of the so-called Mysterious Valley believe the lights, anyway, have a more proximate explanation. Nobody, in any case, trusts the federal government, its explanations or its silences. Whether Bigfoot is a reality or not, Big-hand and Longarm are felt, demonstrable entities.

We spent three days camped with the recording equipment along the Conejos at 9,600 feet of elevation in the San Juan Mountains, the steep valleys funneling the winds at 60 and 65 miles an hour while we tramped uphill along the Lake Fork trail—past the beaver pond below the slide where Keith Hawkins and his boys had been fishing when they heard the threatening roars five summers ago to Big Lake, only a mile and a half or two miles below our campsite the previous year—until the cloud ceiling lowered onto the dark, silent ridges and we turned back at last through flights of shrikes, bluebirds, robins, and jays jinking above the brittlebrush to establish their territories, unconcerned by the approaching spring storm. About three the next morning, the raging wind dropped suspiciously, and at first light six inches of snow had fallen in camp; by the time we pulled out

a couple of hours later, the fall had deepened to eight. We broke trail for 20 miles in four-wheel-drive, past groves of aspen whitened by the flying snow and standing pale against the black timber, the willows already turned spring orange in the floodplain, and arrived after an hour or so at civilization, where the storm was expected to make a four-day blow and drop two to three feet of snow in the mountains. After two winters of southern New Mexico's drought and duststorms, I felt like a man on all fours discovering a lake of chilled dry martinis in the Sonoran Desert.

A couple of weeks later, still in search of cold weather and even, possibly, more snow, I left Las Cruces bound for a rendezvous in Reserve, New Mexico, with Tom Sheeley on his way east from Flagstaff. One radio station after the other faded away and died from Las Cruces to Deming, Deming to Hurley, Hurley to Bayard, Bayard to Silver City, while the powerful voice of Government pursued relentlessly, undimmed by distance and topography: National Parrot Radio, useful for entertaining the residents of my domestic bird sanctuary while I work all day behind closed doors, and for monitoring the federal psyche, its peculiar obsessions and neuroses. Today my diagnosis is as usual: blacks on the brain, women up the wazoo, combined with a hypocritical concern for the Kosovar refugees. As usual, the announcers offend: those effete, affected, epicene voices from nowhere, every trace of regional or social identity removed by a process of sterilizing Posturalization, the tonal equivalent of the genetic blending that gave us Tiger Woods. The trouble with the modern world is it does not offer, let alone depend on, the kind of work that produces real men, genuine, honest-to-God women.

At Bill's Bar in Reserve (county seat of rambunctious, rebellious Catron County, New Mexico), patrons watched the evening news broadcast from Denver, featuring the progress of the Yugoslav war: "None of our business." "About time we learned to let people manage their own affairs without any so-called help from us." A tall man in a black Stetson hat and purple shirt, carrying a knife on his belt, came through the door and sauntered up to the bar. "Hello, Mr. Forest Service Man," the barmaid greeted him. "How nice of you to pay us a visit this afternoon." Only several years ago, the NFS was warning its people against

driving the distinctive green agency trucks in Catron County—and other Western rural communities.

When Tom arrived we drank a couple of beers and headed north into the Gallo Mountains. Hurrying to make camp before sundown, we followed the dirt road only a few miles before stopping beneath tall ponderosas overlooking a meadow of buff-colored winter grass broken with bars and reefs of gray sagebrush, overlooked by dark, pine-forested mountains beyond. While I built a fire, Tom prepared the meal of spicy fresh chorizo from his Flagstaff butcher, mixed with beans and chopped onions and rolled in flour tortillas browned in the dutch oven lid, and we made an early supper of burritos, not forgetting plenty of red wine and part of a fifth of Jim Beam, afterward around the campfire while a cold wind arose and the temperature fell like an ice meteor. We turned in when the first big log burned through and slept until after dawn to find the water in the canteens and plastic bladders frozen solid.

For breakfast there were cheese omelets with chili con carne and espresso; afterward we brought out folding stools and the guitar and sat facing into the April sun toward the mountains while Tom played Segovia, Ponce, and Moreno-Torroba: three Spanish composers, he reminded me, who lived to be nearly a hundred on wine, good food, books, music, adventure, love, and good humor.

"Unlike the progressive political types with no sense of humor, no enjoyment of life, sour—hate everything while taking themselves so damn seriously."

"And 'conservatives'—they don't care enough about art, take it seriously enough, to bother even politicizing it. Mostly because it isn't the way to glory and POWER, the aphrodisiac of the intellectuals."

"Anyway, what's important is to know what's good in life and follow it: books, music, wine, wilderness, the love of a good woman, food. And let the world take care of itself."

"Which isn't the same thing as quiescence, or what the left calls 'apathy'—just the recognition that every man's job isn't to change the world, just brighten his corner of it, as they say. 'Love your neighbor.' While remembering that in another sense you can't 'love' people and places you don't know, beginning with that luscious stranger in hiking shorts shouldering her pack at the trailhead."

"Where?"

"Nowhere," I said. "She's hypothetical."

We struck camp after noon and moved it to the highlands between Agua Fria and Largo Creeks: brushy mountains full of alligator juniper and several species of pine tree. Here we built a raging fire against the cold and the dying of the light, etc., while playing rude songs by Frank Zappa on the truck sound system.

"What's the most non-native species you can think of?" I asked him.

"I don't know. The National Park pigs?"

"I was thinking maybe Republicans."

We devoured a couple of 14-ounce New York steaks with béarnaise sauce, baked potatoes, and a salad, and I brought out the second magnum of red wine. Evening birdsong faded into the coming night; the wind died; the fire roared; the wine flowed.

"This is pretty nice," I said.

"There's really nothing more to life, is there? Anyway, there doesn't have to be."

The night warmed around three o'clock, and by morning, with birdsong sounding again from the fading darkness and the ravens flapping overhead on their greasy black wings, mare's tails had appeared in the sky with a change of weather coming. We packed the camp in while the ravens wheeled in lowering circles above, their bright eyes fixed on the moveable—already moving—feast below. Tom brought the camp garbage bag and shook the gristly remains of the steaks onto a flat rock.

"Leave something for Raoul always," he explained.

For the 250 miles back to Las Cruces, the news was all about bombing, refugees, the Allies' terms, civilian casualties, 300 new planes, Apache helicopters, 30,000 reservists. . . . "Only Anglo-Saxons can govern themselves," William Allen White wrote. And now, not even we—too multiculturalized, perhaps. What is there to be said for a political system where the leading candidates for the next national election are the spouses and siblings of the most failed and incompetent national politicians? As if, in Mencken's words, a starving man set before a lavish banquet should satisfy his hunger by catching and eating flies. A mass-produced and self-stupefied people, we Americans. Fortunately, there is still something remaining of non-human America to enjoy.

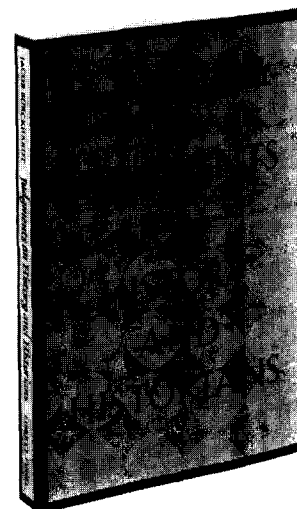
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Alberto R. Coll is a Professor of Strategy and Policy at the United States Naval War College, Newport, Rhode Island.

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